
H. Ireland. Commrs, House of.
MINUTES of EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

DUNDALK ELECTION.

CASE I.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE



DUNBAR COLLECTION

CASED L.

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C A S E
O F T H E
BOROUGH of DUNDALK.

THE Committee * for trying this cause was chosen on Monday the 3d of November, 1783, and consisted of the following Gentlemen :

George Ogle, Esq. Chairman.

<i>George Sandford, Esq.</i>	<i>Clotworthy Rowley, Esq.</i>
<i>Major Richard Vowell,</i>	<i>Hon. Rich. Hely Hutchinson,</i>
<i>Sir Barry Denny, Bt.</i>	<i>Edward Crofton, Esq.</i>
<i>Henry Cope, Esq.</i>	<i>James Uniacke, Esq.</i>
<i>Sir Francis Hutchinson, Bt.</i>	<i>Rt. Hon. James Cuffe,</i>
<i>John Staples, Esq.</i>	<i>Isaac Corry, Esq.</i>
<i>James Stewart, Esq.</i>	<i>Gervais Parker Bushe, Esq.</i>

Petitioners,—*John William Foster and Richard Dawson, Esqrs.*

Counsel for the sitting Members,—*Robert Boyd, Arthur Chichester Macartney, and William Caldbeck, Esq.*

For the Petitioners,—*Henry Duquerry, Beresford Burston, and Anthony Blackburne, Esqrs.*

After

* This was the first petition tried after the passing the act of the 21st and 22d Geo. 3. cap. 10. for explaining and amending the 11th of Geo. 3d. under the regulations of which last statute the petitions in the former part of this work were tried. By

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After reading the petition, the Committee entered into the following Resolutions :

“ RESOLVED, That but one counsel on
“ each side shall speak to any one point, except
“ the Committee shall of themselves require it.”

“ Resolved,

the statute of the 21st it was enacted, “ That when a day and
“ hour should be appointed pursuant to the 11th and 12th of
“ Geo. 3. for taking into consideration a petition complaining of
“ an undue election, after reading the order of the day, the
“ house shall be called over, and the names of the members who
“ shall on such call be absent shall be taken down, and they or-
“ dered to attend at next sitting, and then ordered into custody
“ or other censure, unless sufficient excuse verified on oath ; and
“ if 60 members, exclusive of the Speaker, be not present, ad-
“ journed to next day, (Sunday and Christmas-day excepted)
“ and on each succeeding day till the committee shall be chosen ;
“ and the names of the members who were absent on the for-
“ mer day shall be called over, and the house shall allow or dis-
“ allow the excuse, and so on till 60 members shall attend ex-
“ clusive of Speaker. The Chairman of each Select Committee
“ shall give his voice as any other member, and in case of an
“ equality of voices, including the chairman’s, then the chair-
“ man shall give a casting voice. If such Select Committee be
“ unavoidably reduced to less than eleven, and continue so for
“ twelve sitting days, it shall be then dissolved and another
“ chosen : But every determination of eleven shall be valid.
“ If, when such committee shall be reduced to eleven, any mem-
“ ber thereof shall absent himself, he shall from day to day state
“ to the house, and verify upon oath the cause of his absence.
“ No petitioner, sitting member, or their agents, shall name any
“ member to be added to those drawn by lot, but the parties shall
“ return a list of *fifteen* out of those who have been drawn by lot,
“ which fifteen shall be the select committee. Whenever a
“ charge is made of corruption, partiality, or other misconduct
“ in the returning officer, it shall be made known to him at least
“ fourteen

“Resolved, That if any witness, or person
 “intended to be examined as witness, shall be
 “proved to have been in the room during the
 “examination of any other witness, such per-
 “son shall be rendered incompetent; provided
 “that this rule shall not extend to the agents,
 “whose names shall be forthwith delivered in
 “to the clerk.”

Lists were accordingly delivered in of five
 witnesses as agents for the petitioners, and of

“fourteen days before such petition shall be taken into consid-
 “eration, and the committee shall be sworn to try such charge,
 “and upon proof of notice, enter into examination of the con-
 “duct of such returning officer, and hear evidence on his be-
 “half, and after hearing evidence on both sides, determine by
 “a majority whether the charge was well or ill founded, and re-
 “port the determination to the house, which shall order such
 “determination to be entered on the journals. If any return-
 “ing officer cannot be found, or abscond, on proof that notice
 “in writing was served on his last known place of residence,
 “within fourteen days after the election, of intended petition,
 “then posting notice on the door of the session-house, and serv-
 “ing it on returning officer’s last known place of residence, be
 “deemed sufficient service. The determination of the com-
 “mittee entered on the journals shall be conclusive evidence of
 “the legality or illegality of any return in any court of law in
 “any action against a returning officer for a false or illegal re-
 “turn. No damages to be given in any action if jury are satis-
 “fied that return was made without partiality, and the jury shall
 “lie at liberty to find for the defendant without costs. On non-
 “attendance of the chairman, a member may be chosen to re-
 “port his absence to the house, and at the next meeting elect
 “another chairman in his room.”

This very great amendment of the law was introduced by
 Mr. Fitzgibbon (now Lord Chancellor), in October, 1781;
 and obtained the royal assent on the 12th of February, 1782.

four

four for the sitting members. Two books of the Corporation were also delivered in.

The list of names of eighteen freemen admitted on the 29th of June, 1782, who tendered their votes for the petitioners, and who were rejected by the Deputy Bailiff,—and the entry from the corporation books on the 29th of June 1782, at the admission of the above eighteen, were read. It was admitted, that the names of these eighteen were included in the last entry.

The entry of 29th July 1782, from the corporation books relative to their taking the oaths of freemen, was read, as was also that part of the charter of Dundalk, authorizing the bailiff to be sworn as a burghers.

The books produced to the Committee were admitted to be the books of the Corporation from the 29th day of September, 1760, to the 29th day of July, 1782, inclusive :

It was ordered by the Committee, that *Isaac Reed*, *Thomas Read*, and several others, do attend the Committee, and lodge forthwith with the clerk thereof, the books of the Corporation of *Dundalk*, previous to the year 1760, together with all other books and corporation papers in their possession or power, to the 4th day of November 1782.

On the part of the sitting members, some entries from the corporation books were read, as was a notice of the 20th of June 1782; and that part of the charter empowering the bailiff, in case of sickness, to elect a deputy, as was that
part

part of the charter giving power to remove the bailiff.

The first witness, *William Green*, was produced on the part of the sitting members, to prove the usage of ringing a bell previous to corporate meetings.

He was a freeman, and inhabitant of the borough of Dundalk; he had been an inhabitant since the time of his birth, and was then fifty years old, and had then been upwards of twenty years a freeman, and remembered well the borough for forty years. He never knew the corporation to assemble but once, save by ringing of bell, and that was then about five years ago. He was much surprised thereat, and asked John Blair, the town-serjeant, the reason? who told him that the bell was broke. He never knew any other mode of assembling the corporation but by ring of bell, which was the general mode; and had heard every freeman in the borough to say so. He knew most of the freemen; he never knew of posting any notice for a meeting but once, which was in May 1782, and was to elect a burghers in the room of Mr. Forster. The bell rang that day. The witness was standing at the court-house door, and read the notice posted for the election of Mr. Jocelyn; the notice was for nine o'clock. The corporation met about twelve. The bell rang at twelve, and Mr. Thomas Read proceeded to business. The witness went to court, but the election was over. The first bell began at half past eleven, and continued

nued ringing till twelve o'clock. The usual
 hour of the corporation to meet was between
 twelve and one; and he never knew the corpo-
 ration to meet but once (on 29th June) before
 that hour. He knew Stephen Page and John
 Lyons. He saw Montgomery Sleater at half past
 seven in the morning of the 29th of June; and
 about half after eight the witness saw Sleater and
 Stephen Page go in at a side door of the Court-
 house; they came rather a back way; and Lyons
 in a few minutes after, went into the Court-house
 after them by the same way. The main street is
 the nearest way from Mrs. Wolfey's house, and
 a more public way. Mrs. Wolfey is the sister
 of Mr. Thomas Reed. The great door of the
 court-house was shut. He saw Mr. Isaac Reed
 in about three minutes after follow Sleater, Page,
 and Lyons. One side of the great door was
 opened in a few minutes after. The witness
 knew George Murphy, and saw him and Mr.
 Thomas Reed go into the court-house in a few
 minutes after Sleater and the others, the great
 door being only half open. There had been no
 bell rung on that morning. Mr. Thomas Reed
 had a great coat or bundle under his arm; it
 was a very fine morning. The witness heard
 the volunteers drum beat at nine every morn-
 ing. He saw Alborough Wrightson and Mr.
 Thomas Reed come out of the court-house
 about eight minutes past nine o'clock. He did
 not know of any meeting on that day; if he
 had, he certainly would have attended. He

being

attended the court-house on that day about twelve o'clock by ring of bell. When Mr. Read came out, he had a bundle under his coat, and went to Mr. J. Page's.

He was cross-examined.

He was 20 years a burghess, and never was out of Dundalk one day in his whole life except once;—he had not attended the meetings of corporation; he had not signed the proceedings because Mr. Read and he had a dispute, and Mr. Read had refused to let him sign. He did offer to sign at the three last meetings, at all which he attended, but Mr. Read refused to admit him. He often asked for the books, but was always refused. He could not positively tell the particular day Mr. Reed refused him; but the witness had asked Grey, the town-clerk, and Montgomery Sleater for the books; they did not refuse them to him, but they did not hand them to him to sign. He could not recollect whether it was during these three years, or before, that Mr. Read refused him, and could not tell whether it was within 5, 6, 7, 8, or nine years, and did not know but what it might be within these six years. His reason for remembering that it was within six years was, that within that period he had dealt with Mr. Read for wine. He understood it to be on the 29th of June, that Mr. Read refused to admit him to sign the book. He did not come into the court-house until the business was over, when the freemen were signing their names. He did not give his vote to

any act of the meeting, and did not read nor ask to read the proceedings of the day. He saw the two Mr. Reads that day sitting on the bench, and did not know who was the bailiff. His difference with Mr. Read was the cause for his not letting him sign the book; and the usual mode of summoning the corporation was by ringing of bell. He knew Counsellor Shiel; but never knew that Mr. Shiel was employed by Lord Clanbrassil. He never heard it was usual to post a notice for a meeting; and never heard that Counsellor Shiel recommended the posting of notices. He read the notice posted for the meeting on the 29th of June 1782, but had not inquired about it, though he thought it odd. The court-house door is the usual place to post notices; and when there is more than one, they post them at the market-house, and on pumps in the town. He never went purposely to examine notices that were posted on the court-house door. He attended a meeting at the Presbyterian meeting-house on the 29th of July 1782; he went there at half after ten o'clock to get a place, and business began at about eleven o'clock. He was positive the business began after he went there. He never knew the corporation to meet but on the 29th of June and 29th of September, except to return members to Parliament, and never to his recollection was present at any other meeting except on the above day. He lived for thirty years near the session-house, and about a quarter of a mile from
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the court-house. On the 29th of June 1783, saw Montgomery Sleater that morning after seven. The witness had glasses for a chaise for Mr. Bailie, which brought him out that morning, and also some window glass for the same person. The witness asked Sleater what brought him out that morning, and Sleater answered, that Mr. Reed went for him. The witness did not know of any meeting being posted, but had been since told the notice was posted eight days previous to the 29th of June. He believed the notice mentioned the meeting was to be held at nine o'clock. He went into Mr. Baily's yard, and waited for the post-chaise. He saw Mr. Lyons and Page about half after eight o'clock, and saw Mr. Thomas Reed and Mr. Murphy go into the court-house; but did not imagine a court was to be held on that morning; he thought they went there about volunteer business, and he knew that his (the witness's) presence would not be welcome. Mr. Thomas Read had a bundle of books under his coat; he had heard Mr. Read was in a bad state of health, and was going to Swanlingbar. He saw Mr. Wrightson and Mr. Reed come out of the court-house about eight o'clock. The witness attended a meeting at about twelve o'clock on that day in the court-house; Lord Clermont was there. The witness saw Counsellor M'Cartney draw up a paper, which he believed to be the paper which he (the witness) signed. Heard it said, and did receive a notice, to attend a

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meeting

meeting that day; and Capt. Ford informed him the meeting was to chuse a bailiff. He was refused the book to sign, and had seen freemen on other occasions sign the book, though not present during the proceedings of the meeting, upon their reading the transactions. He received a verbal message from Capt. Ford of that meeting.

The second witness, Mr. *Charles Lester*, was produced on behalf of the sitting members, to prove the ancient usage of calling the corporation in by ring of bell. He was an inhabitant of Dundalk since the year 1747, and had constantly resided there. He was a freeman of Dundalk, and has been so since the year 1748, and had usually attended corporate meetings. The usual method of convening the corporation was by ringing of bells; he had known it to be the usage since he had been a freeman; he had heard it was the usage before he was a freeman, and never knew a corporate meeting to be held but by ring of bells except one, which was four or five years previous to the 29th day of June 1782; and he then asked Blair, the town-serjeant, the reason; who told him the bell was broke, and that he waited on the witness to summon him for the purpose. There was always a bell rung since, except on the morning of the 29th day of June 1782. The witness was in Dundalk on that day; he rose on that day between five and six o'clock, and remained in his shop in the Main-street until a quarter
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after nine; the reason he knew he staid at home was, the volunteer drum beat at nine, and the witness did not leave his house for a quarter of an hour after they had returned. He lived about 150 yards from the sessions-house; he did not hear the corporation bell ring that morning; if it had, he must have heard it if it was rung for ever so small a time. He knew Mr. Isaac Read, Mr. Thomas Read, Montgomery Sleater, Stephen Page, Samuel Page, George Murphy, Alborough Wrightson, and John Lyons. He saw none except Mr. Wrightson go to the court-house that morning. The usual way of Mr. Read's going to the court-house was by his (the witness's) house; the most public way is by his (the witness's) door. He had seen Mr. Read always pass his house on his way to the court-house. He did not think Mr. Read could have gone to the court-house that morning in the usual way without his (the witness's) seeing him. The witness is an apothecary, and attended his shop himself; his door opened into the Main-street, and the whole front of his shop is glazed. He had no conversation with Mr. Wrightson on his going to the court-house; he saw Mr. Wrightson on his return; he crossed over to him and spoke to him; the time Mr. Wrightson spoke to him, was about a quarter after nine, but could not be particular. The witness never saw a corporate meeting held before twelve o'clock, and never attended one before that hour. At the first meeting after the
witness

witness was made free, Mr. Isaac Read called on him to attend a meeting. The witness asked the hour at which he should attend; and Mr. Read answered the witness at about twelve o'clock. Mr. Read also asked the witness if he had heard the bell; to which he answered, he did not; and then Mr. Read said it would be an illegal meeting if the bell was not rung. If the witness had heard the bell on the morning of the 29th of June 1782, he would have attended. He would not have voted for Mr. Read if he had attended the meeting on the morning of the 29th of June; nor would he have voted for the thirty-two persons who were admitted freemen on that day. He was surprised at the meeting on the morning of the 29th of June, at which Mr. Read had presided. The witness attended the meeting of the corporation on the 29th of June 1782, between twelve and one, or rather nearer to one, and signed a protest on that day.

He was cross-examined.

He did not know but what there might be forgeries in the protest. He did not recollect seeing Mr. Moretz at the meeting on the 29th June. He did not recollect whether the bell rang the day Mr. George Jocelyn was made a freeman or not. Mr. Thomas Read presided as bailiff when the thirty-two persons were corporated. The witness was at the meeting at the Presbyterian meeting-house on the 29th July 1782; he believed that the meeting was convened by written notice, and not by ring of bell.

bell. He believed that the meeting on the 29th of June 1782, was earlier than nine o'clock; it might be at ten, but he could not recollect the precise time. The meeting at the Presbyterian meeting-house was remarkably full; a great number of burgeses and freemen attended at that meeting; the witness's neighbours called on him, and he went to that meeting, but did not know how many days the notice for that meeting was posted. He never saw the notice posted for the 29th of June; he believed it might be posted, but he never saw it; and believed it had been a custom for four or five years to post notices, but the freemen never minded such posted notices, they waited for the ringing of bell. Lord Clermont and several of his friends were sworn in on the meeting of the 29th of June; the meeting on that day was to elect a bailiff. The witness agreed to the admission of the thirty-two freemen, because several of his friends had signed the proceedings of that day; there was nothing particular done on the 29th August; he was told Mr. Read would not attend at the sessions-house.

The third witness, *John Macartney, Esq.* was produced by the sitting members, to prove the transaction of the 29th of June. He is both a freeman and burges of Dundalk; he was in that town on the 29th of June 1782; he did not see any notice posted on the court-house on that day, but he heard of one; he did not know what hour was mentioned in the notice,
and

and did not attend the assembly held by the bailiff on that day. He recollected where he slept on the night of the 28th; it was at Baily's in Dundalk, about 70 or 80 yards from the session's-house; he remembered the hour he arose on that morning, the clock at Baily's struck nine, and he then got up; he had been up two or three minutes when the volunteers drum beat. Lord Clanbraffil came to him, and told him that Mr. Thomas Read had a meeting that morning, and had elected a considerable number of persons freemen, and his father and Isaac, bailiff. The witness came from Dublin to attend the meeting of the corporation on that day, and had understood that he would have notice of meeting by ring of bell; if he had heard the town-serjeant's bell he would have gone to the court-house; if he had attended, he would not have assented to the election of Mr. Isaac Read as bailiff, nor to the admission of the freemen. He did not attend any meeting of the corporation on the 9th of August. He never consented by any corporate act to the election or confirmation of the thirty-two freemen. He did attend the meeting on the 29th of June 1782, about twelve o'clock; there was public notice given of that meeting by the ringing of town-serjeant's bell; it rung for about an hour. The gentlemen then present entered into a protest * in writing against the proceedings of the bailiff on the morning of the 29th of June; it was wrote and signed by the witness, who

*This protest was proved by Mr. MacCartney, and read.

who drew a written notice, intended to be served on Mr. Thomas Reed on the 29th day of June, and understood it was served on that day. It was a notice to attend a meeting of the Burgeſſes on the Thursday following at the Seſſion-houſe; and there was an aſſembly held in purſuance of ſaid notice on the 1ſt of Auguſt; there was alſo notice given of ſaid meeting by ringing of bell and written ſummonſes ſent to the different perſons of the corporation. Mr. Thomas Read attended at this laſt meeting, and was aſſiſted by counſel and attorney. He was called upon to bring with him the corporation books, but he reſuſed. Lord Clermont took the chair on that day as ſenior burgeſs. The witneſſes could not particularly recollect the perſon who deſired Mr. Read to bring the books, but he was certain it was one of the corporation. The reaſon given by Mr. Read for his reſuſal of giving the books was, that he looked upon the then meeting as illegal, and that he was deſired not to bring the books by ſome of the corporation, for fear they ſhould be taken from him; but produced atteſted copies of the proceedings of the morning of the 29th of June, that Mr. Wrightſon did atteſt them. Mr. Read did admit the entry in the corporation book, appointing his father to be his deputy, to be his own hand-writing, and that he Read himſelf had taken the oaths as bailiff; and afterwards he admitted his father did not take the uſual oaths at that time. There was a queſtion then put,

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Whether Mr. Thomas Read should be amoved or not for the misdemeanors by him committed; the result of which was, that on putting the question, chairman declared that the Ayes had it; and a poll was afterwards demanded by Mr. Thomas Read or his agent. A poll was accordingly taken, and a question was put to each freeman individually on their coming to a poll, and they in general answered they polled for Mr. Read's removal. There were sixty persons voted in the affirmative; but four or five of the old freemen refused to vote against Mr. Read. There were nine burgeses and fifty-four freemen who voted against Mr. Read on that day and subscribed to the proceedings. Mr. Read himself did not divide, but left the Court-house. There were four or five old freemen who refused to vote, and protested against the proceedings.

The witness had seen a list of the corporation; it consisted of one hundred and seven freemen, and sixteen burgeses. He apprehended that there were fifty-four freemen and nine burgeses present who signed the resolution of a motion; the whole meeting consisted of sixty-nine freemen. All the resident burgeses and freemen, save one, (Mr. Maxwell) attended that meeting. Had heard of, and knew a compromise made in the month of August. Lord Clermont met Mr. Thomas Read, John Page, Thomas Page, Arthur and John M'Cartney, on the 6th of August 1782. Agreed that the
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thirty-two freemen, entered on the books on the 29th of June 1782, should have all the privileges of freemen, save one, which was, that they should not attend any meeting of the corporation unless they were specially applied to for that purpose. That ten other persons along with the thirty-two before-mentioned, were named by Mr. Thomas Read, and were to be admitted to the same privilege. That Mr. Thomas Read, notwithstanding his removal, should continue bailiff until the 29th of September following; and that he, Thomas Read, should hold a meeting, and thereat elect the Earl of Clanbrassill as bailiff for the year commencing the 29th of September 1782, and in consequence of that agreement, the witness would have acted inconsistently if he had not established these thirty-two freemen, though Mr. Thomas Read did not adhere to his promise with Lord Clanbrassill.

He was cross-examined.

He had heard that it was usual for notices to be posted from the commencement of the new book of 1778. That he, on the 29th of June, between eleven and twelve, saw a notice posted on the Session-house, but declared that he did not hear at what time the notice was posted. He had heard that Mr. Read had posted a notice for the election of bailiff after the Privy Council had rejected the return of Mr. Read. He believed that the first notice of a meeting for electing a bailiff was posted on

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the Sessions-house ; and believed that the meeting that was to be held at the Sessions-house was afterwards held at the Meeting-house. He served Mr. Read with a notice, informing him that the Sessions-house would be open at nine o'clock for the purpose of choosing a bailiff on the 29th July. The notice was prepared in Dundalk, and in the house of Lord Clanbrassill. It was not a corporate assembly that issued that notice. He believed he had seen the notice posted for calling a meeting at the Meeting-house, and that the one produced was the same he saw posted. He believed that at the time he saw Mr. Read's notice, there were two notices posted for the same purpose, assigning reasons for changing the place of meeting. Mr. Read came on that day to the Meeting-house after nine o'clock ; there was a great number waiting for the doors to be opened ; Mr. Read opened the door, and had the key of it. Mr. Read assigned as a reason that he would not go to the Sessions, because there were two notices posted, and if he went to the Sessions-house, several persons might be led astray, and prevented from their right of voting. The summons to Mr. Read to appear on the first of August at the Sessions-house, was one prepared in Lord Clanbrassill's house, and was dated the 29th July, 1782, and was for Mr. Read to shew cause, why he should not be removed. The witness saw the notice of the 29th of July, signed by a number of persons, and believed it was principally signed

signed by the subscribers thereto at Lord Clanbrassill's house. He could not say that all the persons who signed the paper were in the room at that time, and believed that the paper was sent out of the house to be signed. He believed that no person signed the notice but what knew what it was. The paper was prepared by the advice of the Attorney General and Counsellor O'Neill; Mr. M'Cartney prepared the first part of the notice by the advice of the Attorney General and Mr. O'Neill. The meeting at which the paper was prepared was not at all convened as a corporate meeting. Mr. Read objected to, and protested against the meeting of the first of August. The witness meant, that Mr. Read made a verbal protest; and he recollected that Mr. Read said, that he had not time to enter into his defence; and after the meeting was over, he (Mr. Read) said that he would not pay any respect to it. That Mr. Thomas Read admitted the entry of his father's election, and that his father did not take the oaths. He believed that Mr. Thomas Read said he could not swear in his father, for that the book of oaths could not be found. It was the witness who wrote the proceedings of that assembly. Mr. Read and Counsel applied that the several objections made on the part of Mr. Read might be taken down in the proceedings of that day. The witness observed several persons writing on the other side. The witness was not desired by the chairman to take down the proceedings of that

that day. The witness was not sworn into the office of burghs previous to the meeting of August, 1782. He could not positively swear that he applied on the 29th of July to Mr. Read to swear him in as burghs, and was refused. He had heard that many freemen had never taken the oaths, yet had acted in offices of the corporation. There were many of the thirty-two freemen at the meeting when Mr. Read was removed; the witness believed there might be nine. The only objection made to Mr. Macartney was, because he was not sworn a freeman previous to his election for burghs.

John Lyons, the fourth witness, was produced on behalf of the sitting members, to prove that the thirty-two freemen were admitted unlawfully. He recollected being present at a meeting at nine o'clock on the 29th of June, 1782. He was a freeman of Dundalk. He saw Mr. Thomas Read on that morning about eight o'clock at his own office; the witness was sent for by him, and had a conversation with Mr. Read that morning at about eight o'clock. Mr. Read asked him what the float was doing, for that the corporation would set it to work in three or four days. Mr. Read desired the witness to go to Mr. Wolfley's house, and stay there for him; the witness went to Mr. Wolfley's, but before he went there, met Mr. Isaac Read, who desired him to go to the Grand Jury-room in the Sessions-house, for there were some persons

sons waiting for him. He went in to the back door of the Sessions-house, and into the Grand Jury-room, at between eight and nine o'clock. Mr. Thomas and Isaac Read went up the back way before him. He saw Stephen Page and Montgomery Sleater in the Grand Jury-room; and Mr. Isaac and Thomas Read, when he went in. They then proceeded to appoint electors. Mr. Read called for James Gray, the town-serjeant; but he not being there, Mr. Read desired the witness to act in that office, and that he (Mr. Read) would direct him the witness. George Murphy came there. The witness saw Mr. Wrightson. Mr. Thomas Read proceeded to the election of bailiff. When Mr. Macartney was proposed, they objected one and all; and when Mr. Thomas Read was proposed for bailiff, they all agreed thereto. Mr. Read was elected bailiff, and his father deputy. There was a list proposed that day for freemen, which Mr. Read produced; they were proposed one by one; there were about four freemen present; the list was read but once, and the assembly was satisfied. The witness had been an inhabitant of Dundalk 73 years, and never out of the borough but for about two years. When a corporate meeting was to be held, it had been the usage to ring a bell. The witness had been three years town-serjeant. The corporation was always called together by ring of bell; the meetings had been always held between twelve and one. He did not hear any bell rung on the morning

morning of the 29th of June, and did not see any written notice posted on that day. From the time of opening the Court until the election was over, was about half an hour.

He was cross-examined.

The witness was at meetings of the freemen before the 29th of June pretty often; he always saw the freemen sworn on the same day they were chosen. He never took notice how the freemen were chosen except in the taking of the oath; he never saw at any assembly of the corporation any thing but the swearing. Mr. Garrett Byrne was not chosen on that day as he knew of. The names of the persons to be chosen were told out; he thought he heard the name of Henry Maxwell read; he recollected that Mr. Read said that they had petitioned. Mr. Read put the question on Henry Maxwell's name; he put the question but once. Mr. Read had asked the persons present if they were satisfied about the petition? and they replied that they were. The witness said *Aye* for the bailiff; and he said *Aye* for the freemen. The witness had no intention of going to the Session-house until he was sent for by Mr. Read; he asked the messenger who came to him, what Mr. Read wanted with him. Mr. Read asked the witness what the float was doing, and bid him (the witness) go to Mr. Wolfley's; and as he was going to Mr. Wolfley's, the witness met Mr. Isaac Read, who desired him to go to the Court-house. The witness never knew of any meeting
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so early as nine o'clock; the meetings of the corporation were generally held about twelve or one; the Court-house door was open when they came out. The witness did not hear of, or see any notice posted.

The fifth witness, *James Gray*, was produced on behalf of the sitting members, to prove the custom of convening the corporation by ring of bell. He lived in Dundalk; was town-serjeant and marshal-keeper; had been town-serjeant nine years the 24th of June then last. He was in Dundalk on the 29th day of June, 1782; Mr. Thomas Read was bailiff on that day; he always assembled the corporation on every 29th June by ring of bell; he never remembered the corporation to meet without ring of bell; the hour of twelve was the customary hour of assembling; he always rung the bell for three quarters of an hour, and he never used to ring any bell before nine o'clock. He went to Mr. Wrightson at eight o'clock on the morning of the 29th of June; he was in the church-yard at nine o'clock, and one side of the Sessions-house door was open; he saw Mr. Read and five or six freemen in the Sessions-house; it was about five or six minutes after the volunteers drum had beat off; the witness went to the Sessions-house; he imagined the meeting was about volunteering, and not about any corporation business, for he asked Mr. Read what time he should ring the bell; and Mr. Read then told him the election for magistrate was over. Mr.

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Wrightson

Wrightson told him, the witness, that Mr. Isaac Read was chosen bailiff; the hour was then about a quarter after nine.

He was cross-examined.

He was town-serjeant in the year 1778. He did not remember to see any notices posted in his life but two. He posted a notice on the 20th of June, 1778. He was walking in the church at nine o'clock; and on hearing the volunteer drum beat, he immediately went into the Sessions-house; he saw Mr. Read the bailiff, and Wrightson there; he also saw a book in court. Mr. Wrightson never was a volunteer. The witness had no idea that it was a corporation meeting; he was in the bar at the time. When he was a few minutes in Court, Mr. Read desired him to close the Court. The witness stood in the usual place where he always stood, but did not think it was a corporate meeting until he was desired to close the Court. He thought George Murphy asked him (the witness) was he a freeman? to which he (the witness) answered he was not. When the witness was desired to close the Court, he mistrusted it was for corporation business. He remembered two notices were posted; he posted the notice on the 29th of July. Mr. Read made application to him (the witness) for liberty to hold the meeting in the Meeting-house; he could not tell whether the application was made by Mr. Read between the interval of posting the two notices. The witness told Mr. Read that he could not give him

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him an answer ; and he assigned it as a reason, that he must get Lord Clanbraffill's consent first. Mr. Read bid him go to Lord Clanbraffill, and ask him the question ; and the witness went accordingly, and made application to Lord Clanbraffill, who told Gray he would give him no answer. The witness went to Mr. Read, and told him what Lord Clanbraffill had said. Mr. Read had a great coat on ; and when the Court was over, he closed the book and put it in his breast.

Here the Counsel for the sitting Member closed their evidence as to the thirty-two freemen made on the 29th June in the morning.

The first witness on the part of the Petitioners was Mr. *George Murphy*. He had been a freeman of Dundalk upwards of 20 years. He had very often attended corporate meetings, and had often attended at the making of freemen. He believed he has assisted at the making of a bailiff more than once. The usual way of convening the corporation had been by ring of bell, but that mode had been altered about five years before the time when he gave his evidence ; the mode adopted instead thereof, was by posting of notices. He believed it was about five years ago that he saw the first notices posted ; it was within these last four years that the corporation had proceeded to the election of their bailiff by posting of notices. He never had heard the bell rung for these four years on the 29th June to assemble the corporation. He

meant by the four years, the four years preceding the 29th June, 1782. He resided in Dundalk, within two hundred yards of the Sessions-house; he was sure the bell could not have rung through the corporation without his hearing of it. His opinion is, that the regular mode of convening the corporation for these four or five years last past was by posting notices.

A question being put to the witness to relate a conversation between him and Mr. Isaac Read, the room was cleared for the Committee to determine whether that conversation should be admitted as evidence? and when the Counsel were called in, the Committee informed them that they would admit it in this, but not in any other instance.

His examination was then continued.

When the witness found the mode changed, he asked Mr. Isaac Read the reason? who told him that Counsellor Shiell said the Corporation had done wrong by calling their meetings by ring of bell, and that it ought to be done by posting notices. He had seen Counsellor Shiell often with Lord Clanbrassill. The witness had seen and read a notice on the Sessions-house door for holding an election on the 29th of June, 1782; he had seen another notice posted in the month of May, 1782, for electing a burgess. He attended a meeting on the morning of the 29th of June in the Sessions-house, it was held, and the Court opened a little after nine o'clock, and business was not begun until seven or eight minutes after nine; he had been
present

present at the transaction the whole time, and the great door of the Sessions-house was open during the whole of the time; it was half open when the witness went there, and he opened the other half himself before any business had been began. Mr. Thomas Read was bailiff, and was not in Court when the witness went there; Mr. Read came in about three minutes after the witness. The Court was not opened until Mr. Wrightson, the town-clerk, came. They immediately proceeded to business when the Court was opened. The first business done was the election of bailiff, when Mr. Thomas Read proposed Mr. John M'Cartney, and had his name inserted in the book; but the witness objected to him, because Mr. M'Cartney was not a resident inhabitant of the town. Mr. Read did not bring the corporation book to the Court-house; his servant boy brought it. When the witness objected to Mr. M'Cartney, the question was then put, upon which he (Mr. M'Cartney) was rejected, and his name erased. The witness proposed Mr. Isaac Read immediately on Mr. M'Cartney's rejection, but Mr. I. Read at first refused; but the witness, with all present, insisted on his (Mr. Read's) accepting the office of bailiff; and the question being then put, Mr. Isaac Read was elected. Mr. M'Cartney's name was erased out of the book, and Mr. Isaac Read's inserted in the place of it. After the election of bailiff, a paper was handed to Mr. Thomas Read by one of the freemen,
Mr.

Mr. Thomas Page. When the paper was handed to Mr. Thomas Read, he heard it read; it was a paper from several persons praying to be made freemen. Mr. Read then asked, had the gentlemen present any objection to those gentlemen being made free, whose petition they had heard. Mr. Read read the names over separately; read Mr. John Page's name first, and asked the persons present had they any objection; and then put the question on Mr. John Page, jun. And all the persons present said they thought they were very deserving of their freedom, and then proceeded in the very same manner to all the rest. Mr. Wrightson, the town-clerk, was present at the whole of these proceedings. He did not know of any other business being done; they wanted to swear in the new bailiff, but there was no book; there were eight or nine persons more proposed that were not in the petition, and they were all admitted. He proposed his own three sons, Mr. Page's three sons, and one or two of Mr. Maxwell's, and one of Sleater's; they were all minors. The witness signed the books of proceedings on the 29th of June, but he did not sign the act appointing Mr. Isaac Read deputy bailiff. Mr. Thomas Read asked Mr. Wrightson, the clerk, for the book to swear in his father as deputy bailiff, but Mr. Wrightson says he forgot it. There was a reason given by all present why they would not sign the book; their objection was, because the book of oaths could

could not be got. Mr. Thomas Read signed that act of assembly before the book was missed. Says he was present at the assembly on the first of August, 1782; Lord Clanbrassill was in the chair. He remembered Lord Clanbrassill said on that day, that Mr. Read had acted improperly. It was a charge from the chair. The witness and Mr. Read objected to the proceedings of that day; and the witness and Mr. Read said that Lord Clanbrassill had no right to preside in that Court. There were several of the freemen that were made on the 29th of June present on that day, who also objected also to Lord Clermont. Mr. Johnson objected to the proceedings, and left the Court. He and Mr. Thomas Read objected to the proceedings before the business was done, and left the Court. Mr. Johnston, Mr. Archibald M'Call, and Mr. Page, on the part of the thirty-two new freemen, and Mr. Stephen Page, Mr. Samuel Page, Montgomery Sleater, and he thought Mr. Zachariah Maxwell, were old freemen, who left the Court.

He was cross-examined.

He attended Courts very often. When he attended corporate meetings, he sometimes had signed the book, and sometimes had not. He believed he had attended assemblies for swearing bailiffs three or four times within these five years past; he believed he had attended the swearing in of them three times; he did not look into the book since the 29th of June, 82.

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He did not look into them before. He believed and was clear the bell was not rung to call a meeting within these last four or five years. It was the duty of the town-serjeant to ring the bell when ordered; he supposed the officer who rung the bell must know when he does it. The Courts which are held are for trying debts, the bailiff was the judge. There was a church-clock and volunteers in that town; the volunteers drum beat precisely at nine o'clock in the morning and nine at night; he would take more notice of a bell than of a drum, he is so much used to the one more than the other. He believed there was not one person a freeman in Dundalk but who could read. He was present at an assembly when Collier was made free. He was 20 years a freeman, and never knew what became of tax on coals. He saw Mr. Read make the entries of freemen in the corporation book on the 29th of June; he staid by him; it was done on the bench of Court-house; the entry of the election of deputy bailiff was made in the Court; Mr. Read wrote the entry appointing his father deputy bailiff in Court; it was drawn and signed before Mr. Read attempted to swear his father; Mr. Read made the entry before he asked for the book; it was the book of oaths that was wanting. He knew where Mr. Wrightson lived. Mr. Read answered, that the swearing in his father would do at any time within 20 days. Mr. Thomas Read asked Wrightson for the book of corporation oaths, and Wrightson said

said he had forgot it; it was 50 minutes after nine before the witness left the Court that morning; there was a certificate of the election of James Read as bailiff drawn for the Privy Council. The witness looked at his watch on coming out of Court, as he intended going to the country to some labourers he had at work. The witness had no conversation with the two Mr. Reads, previous to the 29th of June, about what was to be done upon that day. The witness did not attend the meeting when Mr. Geo. Jocelyn was elected a burgesse on the 28th of May, 1782. He never did recollect seeing a notice for meeting so early as nine o'clock before that day (29th June), Mr. Page did not tell him the hour of meeting, but bid him not go out of town; he got no notice of the meeting on the first of August, but went there because the whole town was in an uproar. He could not tell what court was to be held there until he went there; he did not see notices posted of that meeting; he was determined to object to the proceedings of that day whether they were right or wrong. He did not know what Mr. Read was charged with. He remembered on the 1st of August what they were doing on the 29th of June, as well as what they were doing at the time he gave his testimony. Lord Clanbrassill charged Mr. Read on that day with misdemeanor. He believed that Mr. Read had Counsellor Blackburne with him on the first of August; did not believe Mr. Read was removed

on that day. Mr. Wrightson had been many years town-clerk. The witness could not form any belief whether Mr. Wrightson knew his duty or not. Mr. Thomas Read signed the entry for his father before the entries of the freemen. The custom of electing bailiff was the first proceeding. The Court did not remain long after Mr. Wrightson had said that he had forgot the book of oaths. The town-serjeant came into Court on the 29th June just as the Court was breaking up. He never heard of any report in the town of Dundalk that Lord Clanbrassill intended to amove Mr. Read. He would attend the meetings during the four or five days he did not attend, if he had not been out of town. The meeting of the 29th of June proceeded to business immediately as soon as Mr. Wrightson came in. Mr. Stephen Page read the petition of the persons who applied for their freedom. He did not think the question on the petitioners names took three minutes. The witness never remained until the business of electing bailiff was over until the 29th of June. There was a separate question on each body's name. He did not recollect any person being in Court but freemen on the 29th June. He believed Mr. Stephen Page read part of the list. The minors did not petition for their freedom. The question was put on each of them, and they were admitted. The certificate to the Privy Counsel was written in Court. The proceedings where the erasement was in, was not in Court.

Mr.

Mr. Wrightson attested the entries in Court. Mr. Read told the witnesses that Counsellor Shiell had told him that it was contrary to law to ring the bell. The bell is rung on a Thursday. The bell was not rung on the 29th of June and 29th of September previous to June, 1782. The witness was not served with notice for the meeting of the first of August; he had heard there was a meeting to be held at the Court-house on the first of August, 1782; and read the notice two or three days after the Court sat. He could tell whether he was in town or not on the 27th July, 28th, or 29th. He had heard of a meeting at the Dissenting Meeting-house, at which the witness was present. He did not know the day of the month on which it was, but had heard that notices were served on the freemen for that meeting. The witness's sister-in-law, Miss Wynne, lived with him at that time, and he was sure she would not have kept any notice that was to be left for him without giving it to him. He did not recollect the number in the list given to Mr. Read, but there were thirty-two freemen made in all on the 29th of June. The witness never saw any freemen made at so early an hour as nine o'clock, except on the 29th of June, 1782. The freemen's names were entered in the book after the question was put on each of them. The certificate to the Privy Council was prepared before it was brought to the Sessions-house, and a blank left for the name of the bailiff.

Mr. *J. Page* being produced as a witness, the Committee resolved, that Mr. *J. Page* was not competent evidence in this case, nor any other of that class who might stand in the same predicament with Mr. *J. Page*.

Mr. *Thomas Read* being produced to prove the facts that fell within his knowledge on the 29th of June, 1782, and on the 29th of July following. The Committee Room was cleared, and when the Counsel were called in, the Committee declared that it was resolved, that the Committee would admit Mr. *Read* to give evidence to the point now in issue before the Committee, namely, the right of the thirty-two persons claiming to have been chosen on the 29th June, 1782, so far as his evidence does not extend to criminate or justify himself in any point on which his own conduct has been questioned, and hath been alleged as a cause of his amotion from office.

The second witness, Mr. *Stephen Page*, was produced for the petitioners. He had been a freeman of Dundalk sixteen or seventeen years. The ancient custom of summoning the corporation was by ring of bell. He remembered a particular alteration in the custom which was made five or six years ago, by the advice of Counsellor *Shiell*, and was, instead of the former, to post notices. It had been the custom ever since to post notices. The witness lived in the lower ward at the time he gave testimony; the bell used to ring through that part of the borough where

where he lived. He knew the charter day for choosing bailiff, and also when they are chosen and sworn into office. The bell has rung since the 29th of June, 1782. The corporation bell did not ring for five years previous to the 29th of June, 1782. He thought the bell could not ring during that period without his hearing of it during the five years it was usual to ring the bell for the corporation on by-days. Had frequently heard the bell ring for corporation meeting on bye-days. He was positive he never heard the bell ring from the time the mode was altered on 29th June and 29th September to the year 1782. He did not see the notice for the 29th of June. Mr. John Page applied to him as a friend and as a freeman to make use of his interest to get his son and other friends their freedom. Mr. John Page was a resident of Dundalk since he was born. Mr. J. Page is a Protestant, and a man of considerable dealings and property. Mr. John Page told him the hour of meeting was to be at nine o'clock; he thought he went to the Court-house eight or ten minutes after nine. His brother, Mr. Samuel Page, who is also a freeman, went with him; they went in at the great front door; there was no person in the Court-house when they went there; he brought a list of persons with him whom he intended should be made free. He had not any conversation directly or indirectly with Mr. Thomas Page, or any other person, about who the persons were who should be made free.

free. He believed he saw Mr. Read since he came from Swadlin-bar ; he had no conversation with him about the persons who were to be made free. Mr. Read came into Court soon after the witness, and went immediately to business. Mr. Isaac Read, Mr. Wrightson, Mr. Montgomery Sleater, Lyons and Mr. Murphy, and Mr. Gray ; Mr. Wrightson was in Court ; Mr. Gray was not there when they went first to business. The first business done after the Court was opened, was the election of a magistrate. Mr. John M'Cartney was written down in the corporation book by Mr. Thomas Read. Mr. M'Cartney was objected to by George Murphy, who was seconded in that opposition by all present. Mr. Thomas Read read the entry of Mr. M'Cartney's name. The question was put, and all present objected to him. Mr. Isaac Read was then proposed by Mr. Murphy, to which all the freemen present assented. The freemen then handed the petition with money to Mr. Read ; Mr. Read opened the petition and read the preamble ; and then asked whether Mr. John Page should be admitted a freeman of the corporation, and so on alternately until he went through the whole of the names that were contained in the list, to which the freemen assented. The witness was in the Sessions-house about three quarters of an hour, and the Court was over within that time. A book was brought to Mr. Thomas Read by his servant. Mr. Read then asked for the book wherein the corporation oaths were,

were, to swear in his father as deputy bailiff for the remainder of that year, and applied for it to Mr. Wrightson the Register; Mr. Wrightson told Mr. Read he forgot it, or had it not; the book was not produced. During the transactions of that day, the Sessions-house door was open the whole time. He did not recollect whether there was any entry in the book relative to Mr. Read the bailiff.

He was cross-examined.

About five or six years ago the mode was altered of ringing of bell to posting notices. He did not hear that Counsellor Shiell advised the ringing of bell together with the posting of notices. He did not recollect being in Dundalk on the 29th of June, 1782. He believed he had been at corporation meetings more than once on charter days. He could not say that the bell did not ring on charter days during six or seven years. The list of names he gave in on the 29th June was above twenty. There were present at the meeting of the corporation, George Murphy, Montgomery Sleater, Mr. Wrightson, Mr. Lyons, two Mr. Reads, and James Gray. He thought that in less than a quarter of an hour after he came to Court, James Gray came in; Lyons opened the Court, and Gray closed it. He was applied to by Mr. Page for his sons and friends. He thought he saw Mr. Thomas Read in the street two or three days before the 29th June, and shook hands with him on his return from Swadling-bar. There was not any person
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in Court except the persons whom he mentioned. No person applied to the witness about the list except Mr. Page. Mr. Wrightson prepared the entry in the corporation book where Mr. McCartney's name was entered. There had been very thin meetings on the charter days, and the register had been obliged to send out for people to sign the book. He believed Mr. Read had an employment from Lord Clanbrassill; and heard that Counsellor Shiell had said that it was immaterial to ring the bell, and that it was better to post notices. The time of choosing bailiff might be done in about three quarters of an hour; the ordinary time taken in choosing the bailiff was done within an hour. The witness going to Court when the volunteer drum was beating; the time he quit Court was within a few minutes of ten; he supposed the drum set off from Lord Clanbrassill's house on the 29th June. He thought the business of the 29th of June began by choosing bailiff. He signed three acts of the corporation, and a loose paper that was drawn up in Court. He believed Gray was present at the meeting on the 29th of June. Mr. John Page told him the hour of meeting. He did not know whether there would have been a greater meeting at twelve than there was at nine o'clock. He believed he would have succeeded if he had proposed the same persons at twelve o'clock. He heard the meeting of nine o'clock was complained of as taking the corporation by surprise. He never made any
interest

interest for the persons contained in the list. He was positive Mr. Read entered the names of persons immediately after the question; the entry was written in Court. He did not recollect reading the names to Mr. Page. He was certain Mr. Read entered the transaction in Court, and the witness afterwards signed it. When the witness went to Court on the morning of the 29th of June, he did not think the meeting would be considered as taking the corporation by surprise. He was not at the election of Capt. Jocelyn; he had heard the notice was for nine o'clock, and had heard of the meeting of the 29th of June from Mr. Page and others. The witness went through his own list before he proposed any minors. Mr. Read entered the name of one person before he proceeded to another; he recollected the minors names that were in the list; he remembered there were three Mr. Pages; he had heard that there was a meeting for the election of a bailiff held at nine o'clock before that of the 29th of June; the common weekly meetings of the corporation were held between eleven and one. He believed there was not a Court meeting for a quarter of a year previous to the 29th of June. He had known charter meetings to be very thin, and attended by not above three or four. He was positive there was no person present but burgessees and freemen at the meeting of the 29th of June. The servant that brought the book to Mr. Read went away directly.

The third witness, Mr. *Zachariah Maxwell*, was produced on behalf of the petitioners. He lived in Dundalk, was a freeman, and had lived there sixteen years; was made a freeman in the year 1766; had often attended corporation meetings, and had attended the great charter meetings on the 29th of June and 29th of September, very frequently. When he knew the corporation first, he remembered the bailiff to invite the freemen to a feast on the day they were to chuse a magistrate. He did not recollect having heard the bell rung where he lived. When he knew the town first, he had seen the town-serjeant stand at the Court-house door, and ring a bell to come in; he remembered the first time he saw notices to have been posted, was about five years ago. He had attended to see the tolls set; he did not know when the practice of the bell ceased. The names were brought in entered in a book; he did not recollect whether a question was put upon any freeman. He was not summoned to any meeting of corporation on the first of August, 1782; he was a resident freeman of the corporation of Dundalk at that time; he did not attend the meeting; he could not tell whether any arguments might have been used there to make him alter his opinion; but from what he knew of Mr. Read he would not have voted for his amoval.

He was cross-examined.

This witness's house is a considerable way from the Court-house; he did not recollect hearing the

the bell ring where he lives for calling corporation meetings; there were gardens between his house and the Court-house. He had attended corporate meetings, but mostly when the tolls were to be let. He knew Mr. Crombie, Mr. John McCall, Mr. Guiness, Mr. Vickers, Mr. Byrne, Mr. Forster, William Ogle, John Ogle, and Mr. Henry Ogle; they were all of age except John Forster. The witness believed that he was at his own house on the 29th June; he might have gone to the quay; he was sure he was in health that day; he did not believe there was a summons left at his house on that day; he had inquired minutely about it from his clerks, and they said there was none left; he asked his three sons and his wife particularly. He believed he lived within the precincts of the corporation, and always considered his house to be so. He did not hear a sentence from any one that the meeting was considered to be by surprise until the meeting was over. The witness was not surprised at the early meeting of the 29th of June. The meetings for electing bailiffs were held at different times between ten and two; he heard some people say that it was an unusual time to hold meetings at nine, while some say to the contrary; but it seemed to be an undecided matter.

The fourth witness for the petitioner, Mr. *Thomas Read*, was produced. He said he was elected bailiff of the corporation of Dundalk on the 29th of June, 1781, and sworn in on the

29th September following. He recollected holding a meeting as bailiff on the 28th of May, 1782; the purpose of the meeting was to chuse a burges in the room of Mr. Fortescue; he posted a notice for that purpose at the hour of nine; that is, he directed the town-clerk to do it. He believed it was between 11 and 12 when he held the meeting; his reason was, he did not know who Lord Clanbraffill meant to have chosen; he would have held that meeting at the hour of nine if he had known Lord Clanbraffill's intentions. He did, after that, direct a notice for a meeting to be held on the 29th June at nine o'clock. He had no previous knowledge of the list of freemen intended to be made free on the 29th of June. He had been applied to frequently by Mr. Page, that he (the witness) should not oppose his (Mr. Page's) and his sons, obtaining their freedom. The witness had no previous notice that the men contained in the list should be made free on that day. He had had a conversation with some persons relative to a compromise. On the first of August, 1782, there was a meeting held for chusing a bailiff in his (the witness's) room; the witness attended that meeting in order to object to the proceedings if necessary. Lord Clermont presided when he thought the business was about chusing a bailiff, he (the witness) asked Lord Clermont, if that business was to be proceeded on? Lord Clermont beckoned to him (the witness), and
whispered

whispered and said to him, he wished to have some conversation with him (the witness), and appointed Mr. Wolfey's house to meet in; they met according to appointment; and Lord Clermont lamented there was so much confusion in the town, and wished an end might be put to it. The witness represented to Lord Clermont, the bad consequences of such disputes. Lord Clermont declared that he, as a friend to both parties, wished to reconcile the difference; on which Mr. Read (the witness) answered, he wished it as much as he (Lord Clermont). Lord Clermont then said, he looked over the list of freemen made on the 29th of June, and that he thought them very proper persons, and that he would recommend to Lord Clanbrassill to confirm them, or to let them remain, and also to add his own immediate connections to the list. Mr. Read told Lord Clermont, that he was by no means a principal in the matter, or even a party in the business; that if a compromise should take place between Lord Clanbrassill and the new created freemen, that he could not consent to any of his own relations to be appointed. Lord Clermont pressed a compromise, but Mr. Read said he could not make any with him. Lord Clermont then requested he would use his good offices with the new freemen; Mr. Read (the witness) answered they should not be wanting. Mr. Read (the witness) asked Lord Clermont whether Lord Clanbrassill empowered him

him to make terms ; to which his Lordship replied, not expressly. The witness then said he would not make any conditions until Lord Clanbraffill had empowered him (Lord Clermont) to make terms. Lord Clermont then went to Lord Clanbraffill, and at his return, told the witness he had full powers. Lord Clermont then mentioned, that the freemen made on the 29th of June should stand, and that they had liberty to name some more, and that they should be elected. He then pressed that he should interfere ; and Mr. Read (the witness) told him, that he should have a meeting of the new freemen that evening. Lord Clanbraffill did not propose terms at that day. Next day Lord Clermont said, the new freemen should give their words and honours not to oppose Lord Clanbraffill in the borough. On the evening of the 5th of August, he (the witness) convened all the resident new freemen in town, and told them Lord Clanbraffill's proposals. They all positively refused coming to terms until Mr. Charles Lyfter should be removed from his office of postmaster. Mr. Read then asked the new freemen, if Lord Clanbraffill should consent to the removal of Lyfter, would they then agree to Lord Clanbraffill's terms, of not opposing him in the borough ; and they then said they were ready to agree to those terms. The reason given for their wish for the removal of Lyfter was, that he used frequently to open their letters. The freemen then proceeded to name ten others for their freedom.

A memorial

A memorial was then drawn up, stating the charges against Lyfter, and the witness was desired not to agree to any terms until the prayer of that memorial should be granted. Then witness told the meeting, that Lord Clermont had appointed that evening to meet him the witness; but as he then found himself very ill, he (the witness) requested they would appoint some other person to go to Lord Clermont. Mr. John Page and Mr. Garret Byrne were then appointed to go and meet Lord Clermont. On the next day Lord Clermont called on him (the witness), and said the request of the new freemen, relative to Lyfter, was totally unconnected with the affairs of the borough, and said if the inhabitants had any complaints against Lyfter, he (Lord Clermont) was ready to listen to it as Post Master General, but that he could not conceive it could be taken into the compromise. At that time Mr. John Page came in, and Mr. J. M'Cartney. Mr. M'Cartney went over the same arguments Lord Clermont had made use of before; and the witness answered that he was delivering the sentiments of the freemen, not his own. That if he should agree to any terms different from what they had proposed, they would not agree to them. Lord Clermont bid him speak to the gentlemen, and try to convince them they were wrong. The witness told them, that applying to them individually would not do, but that if he (Lord Clermont) thought proper, he (the witness) would call another meeting; but that

that he had reasons to believe they would not agree to any other terms. On the 9th of August a meeting was held, and Mr. Read presided as bailiff; it was a much greater meeting than usual, and mostly old men; the thirty-two freemen were confirmed at that meeting, and also the ten others. Lord Clermont attended the meeting. The proceedings of that day were read to Lord Clermont, and he signed them. He knew the hand-writing of Lord Clermont, Lyfter, and Alborough Wrightson. The corporation book was in Court on the 9th of August; the persons present did not desire that the proceedings of the first of August should be entered in the corporation book that day. It was the usage of the freemen in that corporation to attest each distinct act of the corporation separately. The corporation bell was rung on the 9th of August. The affidavits relative to Lyfter that Mr. Read produced on that day, were sworn to in the presence of Lord Clermont, and Lord Clermont took them and put them into his pocket. An adjournment was moved for in open Court by one of the old freemen. The question was then put in the usual way, to the 15th August—it passed unanimously; the day named in the adjournment was named by the freemen. The witness told Lord Clermont that the freemen expected the removal of Lyfter, to which his Lordship answered, he could not tell whether the charges contained in the affidavits were true or not. At the meeting of the 9th of

of August, the new freemen expressed great wonder that Lyfter was not removed, and said, since he had not been removed, they would make new freemen on the meeting to be held the 15th. He told the new freemen he would not tell Lord Clermont what had passed; and they said he might, provided he would not tell their secrets. The witness said he was empowered to tell Lord Clermont every transaction but the one, of making new freemen. The witness then wrote a letter to Lord Clermont, to which his Lordship returned an answer, that he did not comprehend it. The witness then told Lord Clermont, that it was absolutely necessary that the witness should be apprised of Mr. Lyfter's removal, and he requested Lord Clermont to write a letter to that purport. The witness did not receive any letter or message from Lord Clermont prior to the 15th of August; and his (the witness's) reason for his so earnestly entreating that Lyfter should be removed was, the anxiety he was in for fear that new freemen should be proposed on the 15th; he repeated his solicitations. There was a meeting held on the 15th, and the bell was rung on that day, and notices posted on the 9th for the purpose of that meeting; the meeting was held after twelve, and the bell continued ringing longer than the usual time in hopes Lord Clermont would come to the meeting. The witness had heard before and after the meeting of the 15th, that the freemen had no intention of opposing

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posing Lord Clanbrassill in the borough if Lyfter was removed. There was a question of adjournment moved by a freeman, and the witness put the question, and it was suggested that the adjournment should be the 22d of August following. He (the witness) was told Lord Clermont came into town on the 15th, and sent a message to Mr. Read who was then in Court. On the 15th of August, the first business done was the swearing in of freemen, on purpose to delay in hopes Lord Clermont would come to Court. After that business was over, one of the freemen presented a petition from a number of persons desiring to be made free, and the witness put the question on each of them, and marked their names off in the petition, and then entered them in the book. A second petition was then presented for the same purpose, and agreed to in like manner as the former. A message came from Lord Clermont to the witness (Mr. Read) during the sitting of Court, to which he (the witness) sent for answer, he would attend his Lordship as soon as the Court was over. He then went to his Lordship to Mr. Page's house, and reminded him (Lord Clermont) of the former conversation, who said it was very true; but he (Lord Clermont) did not think the freemen would be so hasty in their proceedings. The witness observed to his Lordship, that before he left the Court-house, he mentioned the message of Lord Clermont, to which they all said that they had no intention to oppose Lord Clanbrassill,

braffill, or to wrest the borough out of his hands, and that they would pledge themselves for the new freemen if his Lordship would but consent to their terms. Lord Clermont then asked the witness, was that the only means that could be devised? to which the witness replied, that he had no other terms to add, but that Lord Clanbraffill should not shew any enmity to some of the new freemen who were in his Lordship's power. They then went to old Mr. Read's, and had a compromise, and it was agreed that any dispute in future should be settled by arbitration. It was next agreed that Lyfter must be removed. The witness said that Lord Clanbraffill must accede to the agreement, or that the new freemen would consider their words and honours which they had passed Lord Clanbraffill to be void. The witness had told the freemen, that until they were certain that Lord Clermont had not acceded to this agreement, it was very wrong to make any new freemen. There was a great number sworn at this meeting of the 15th. The entries of the 22d of August proved, and Mr. Read proved the hand-writing of several persons at the meetings of the 22d, 23d, 27th, and 28th of August; the 4th, 13th, 19th, and 28th September; he also proved the hand-writing to the adjournment of the assembly of the 9th, 15th, 22d, 27th, and 28th of August, to the 4th, 13th, 19th, and 26th of September. At the above meetings, notices were posted, and the bell was rung. On the

aforesaid adjournments the question was always put by a freeman. He (the witness) had known Alborough Wrightson since a child; Alborough Wrightson was recommended to the corporation as town-clerk. The right of Mr. Wrightson to the office of town-clerk had been disputed; it was since the 29th of June, 1782, that it has been disputed.

It was here proposed to examine Mr. Read as to the proceedings of the first of August, and a question was put by the chairman, Whether the Committee should or should not admit Mr. Read to be examined as to the proceedings of the first of August, and the Committee-room was cleared, and after some consideration, the Counsel were called in, and the chairman informed them, that "It is the opinion of the Committee, that they should not examine Mr. Thomas Read relative to any proceedings of the first of August."

Mr. Read's examination was then continued.

He knew the tolls of the corporation. He knew the gentlemen who were made free on the 29th of June, and that some of them are unconnected therewith.

He was cross-examined.

It was the witness's sincere wish to have an accommodation. There was a notice posted for the 9th of August; the notice for the 9th of August did not specify that freemen were to be elected on the 15th. He says he did not think it proper to write to Lord Clanbrassill at Tullamore;

more ; he afterwards wrote to Lord Clanbrassill, though he did not think proper to inform him of the freemens' intentions. He could not account for the entries of proceedings not being signed, but by freemen going away before the business was over. He had known adjournments to specify the purposes for which the adjournment was made. He believed the purposes of the different meetings from the 15th of August to the 28th of September, were never mentioned to the corporation. Mr. Joseph Green, who was elected freeman on the 29th of June, is his (the witness's) cousin, is his clerk, and lies in his house. The entries of the 5th of August were drawn up by the witness, and also the proceedings of the 9th. He did not believe the notice for the 9th of August mentioned the purposes of the meeting. It was usual to elect freemen on bye-days. He (the witness) returned from Swadling-bar on the morning of the 28th ; he saw Mr. Page in the street on that morning. He slept at Castle-Blaney on the 27th, and came to Dundalk on the 28th before breakfast ; he did not return from Swadling-bar after the 29th ; he sent a servant on before him with water for his use.

The fifth witness for the petitioners, Mr. *Samuel Page*, was produced as to the transaction of the 29th of June. He was a freeman of the borough of Dundalk upwards of 14 years, and had resided therein for that time. The corporation had been convened by posted notices within

within the five or six years last past. The witness had seen notices posted for a meeting on the 29th of June. Antecedent to the last four or five years the corporation had been assembled by ring of bell. He had not known the bell to ring within these last five years. He had known the bell to ring within the last twelve or fifteen months. He had not known any bell to ring precedent to the 29th of June, 1782. He attended the meeting of the 29th of June, 1782; there was a notice posted of that meeting, and he saw the notice, it was for nine o'clock; he read it himself four or five days before on the pump, the usual place for posting notices. The witness went to the meeting a little after nine. The volunteer drum was beating by his door as he was going to that meeting. He believed he (the witness) was one of the first at the Session-house; he was there about seven or eight minutes before they went to business; he went in at the front door; it was half open. His brother Stephen Page, George Murphy, Montgomery Sleater, Lyons, the two Mr. Reads, and Mr. Wrightson the town-clerk, were at the meeting. Mr. Thomas Read asked for the town-serjeant; the serjeant was not there. The Court was opened by Lyons in the usual way. Mr. Read opened the corporation book. The witness recollected a person came into Court with a book, and gave it to Mr. Read. Mr. Read asked, was it the opinion of the meeting that Mr. John M'Cartney should be made bailiff? they

they all said no; and Murphy objected to Mr. M'Cartney that he did not think him a proper person, as he was not a resident; and he George Murphy then proposed Mr. Isaac Read, and the freemen thereon, all said Aye, Aye. Mr. Thomas Read then put the question, and all present agreed thereto. Mr. Isaac Read objected to the choice, as he was an old man, and very infirm, and did not wish to undertake the office of bailiff. Mr. M'Cartney's name was ready written in the corporation book, and it was erased out of the book with a knife, and Mr. Isaac Read's name inserted in the place of it. Mr. Thomas Read entered the name of Isaac in the book. His (the witness's) brother Stephen Page handed a petition to Mr. Thomas Read, of several gentlemen of the town, praying to be admitted to their freedom. Mr. Read then mentioned, that there was a petition handed to him from several persons for their freedom, upon which he proposed them by putting the question. John Page's name was the first in the list; Mr. Read put the question on him, and they all assented. Mr. Read then went on with the next, and put the question as before, and so on with the fourth, fifth, alternately, until he went through the whole of the list, putting the question separately on each person. Mr. Read held a paper in his hand, and as well as he could see from the distance he was then from him, he made a stroke to the person's name as they were elected. He thought he saw little bits of paper handed to
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Mr. Read; he, as well as he recollected, saw George Murphy give Mr. Read a list of persons to be made free; Mr. Read acquainted the Court therewith, and asked the opinion of the Court thereupon, and then put the question, and read over the names separately, and asked them were they satisfied that they should be made free; he was positive he put the question separately on each person; his brother Stephen Page handed in another list, and also another; the last was a list of persons to be made free; some were his (the witness's) children, and some of his friends. He (the witness) could not remember what was done with the last list. He saw entries made in the Court-house that morning by Mr. Thomas Read, but was not near him, and therefore could not tell what the entries were; they were made after the freemen were made. The witness signed the entry to the making of the freemen; the names of the freemen were entered in the corporation book. The ink was fresh. He (the witness) recollected signing a paper; it was a memorial to the Privy Council. There was a deputy bailiff appointed on that morning; old Mr. Read. Mr. Thomas Read called to Mr. Wrightson for the book of oaths; Mr. Wrightson said he had forgotten it. He says the corporation book was given to Mr. Wrightson, and he signed it. There was an entry made of a deputy bailiff; the witness could not tell whether it was made in Court or not. He did not recollect any thing

further

further being done that day. The Court was then adjourned by James Gray, the town-serjeant, who had come into Court during the proceedings. He (the witness) left the Court-house, went home, and just arrived there when the clock had struck ten.

He was cross-examined.

The ancient usage of convening the corporation was by ring of bell. He believed the usual hour of summoning the corporation was at twelve. He did not know whether there would be a greater meeting at twelve o'clock than at an earlier hour. He had attended meetings where only three or four were present. He believed if Mr. M'Cartney had known of the meeting of the 29th, he would have attended. He did not know whether Lord Clanbrassill was in the Court-house in Dundalk on the morning of the 29th of June; he saw him afterwards. The witness had often attended the corporation meetings, and did not see Lord Clanbrassill there. Had heard a meeting was held on the 29th of June to protest against the proceedings of the morning. He could not form a belief whether Lord Clanbrassill would have attended the meeting if it had been at twelve o'clock. He knew Mr. Lyfter. He believed Mr. Lyfter might have attended the meeting at nine o'clock if he had known of it. He believed Capt. Jocelyn might have attended said meeting. Believed Mr. Lyfter, Mr. Moretz, Brady, Wright, Mc. Ivers, Bailly, T. Malon, T. Sleater, Murray, Elphinston,

ston, and others would have attended if they had known of the meeting. He believed if the above gentlemen had attended the meeting at nine o'clock, that the freemen would not have been elected. He (the witness) went into the Grand Jury-room, and there saw Montgomery Sleater. The volunteers drum beat regularly every morning at nine o'clock. There is another way of going into the Grand Jury-room without going in at the great door. The Court was opened by John Lyons; Gray had not come. He saw James Gray in Court. He believed the election was better than half over before Gray came into Court. The witness's cousin, John Page, solicited him (the witness) to get him and others made freemen. His (the witness's) house is about five or six hundred yards from the Court-house. He heard no bell ring for the early meeting. He got to the Court-house five or six minutes after nine, in less than eight or ten minutes after the business had begun. He had heard there was an express sent about to summon persons for the meeting at 12 o'clock. He did not believe the meeting would be so full only for the expresses. According as the freemen were elected Mr. Read marked them off. He believed the purpose of the corporation assembling at nine o'clock on the 29th of June, was for the purpose of making freemen. The hour of meeting prior to the 29th of June was usually at twelve. He believed the 32 freemen made on the 29th of June were not in the interest of

of Lord Clanbrassill. He did not think the interlineation in the corporation book was Mr. Thomas Read's hand-writing. He did not see the memorial and certificate drawn up in Court, or the seal put to it; it might or might not be drawn there. The memorial and certificate were both written before the witness signed them. He believed Mr. McCartney would not have attended the meeting at 12 o'clock, if it was not for the purpose of protesting. The gentlemen who signed the protest seldom or ever attended any meeting of the corporation.

The room was here cleared, and when the Counsel were called in, the chairman informed them, that the Committee had resolved, "that they would not admit Mr. Read's evidence as to the freemen made on the 29th of June at nine o'clock."

The sixth witness for the petitioners, Mr. *Zachariah Maxwell*, was produced to discredit the evidence of the first witness (Mr. William Green). He knew Mr. William Green of Dundalk; he had known him pretty well for eighteen years, and sometime before that time. As to himself (the witness), he would not credit him on his word or his oath; he is a man of infamous character;—it was a common saying in Dundalk, that if any thing came from William Green, it must be false.

He was cross-examined.

He had heard of Green's being examined in a court of justice, but he (the witness) did not

believe what he said, because from his general manner of expressing himself, and the want of probability in what he was saying, it could not be true; he knew from his own knowledge what he (Green) had said could not be true. The witness never had read nor seen any notes taken before this Committee; but he had known an instance where Green's jokes had done an injury. The witness had went to his (Green's) house, with others, to taste some brandies; he had bought, and Green went to Mr. Read, from whom he (Green) had bought the brandy, and told him that the witness had said that it was not worth one-third of what he was charged for it. The witness received a note from Mr. Read, to know the reason of his (the witness's) having said so; and when he (the witness) spoke to Green, he said it was a joke. But only if it had not been for the good sense of Mr. Read, it might have proved a serious one to the witness. He had never heard that Green was indicted for perjury. He had frequented his house afterwards very often. There was a murder in Dundalk, and Green gave evidence there; the jury found verdict for the side Green gave evidence for; but Green's was the only testimony he (the witness) did not believe. Green bought brandies from him (the witness), and failed in his debt.

The seventh witness, the Rev. *John Hawkey*, produced for the sitting member, lived in Dundalk; was curate and school-master; had lived there

there five years, and had known William Green the most of that time;—Green's character was universally bad; he would give no credit to his oath, nor did he know any one that would.

Mr. Henry Junny, produced in support of Mr. William Green's character;—he had lived in Dundalk five years, and knew William Green very well. He served his Majesty as lieutenant of dragoons; he knew nothing of Mr. Green that should induce him not to believe his oath;—had heard he was a bouncer. He never heard him tell a solemn lie to injure any body. He had never known an instance where Mr. Green has been examined as witness in any Court of Justice.

Fairfax Mercer, Esq. to the same point.—Knows the town and neighbourhood of Dundalk;—knows William Green;—he had no reason to think Mr. Green's oath should not be believed.

He was cross-examined.

He never had kept Green company;—had heard that Mr. Green is fond of fishing and fowling; and that if he shot one pair of cocks, he would say that he shot four or five. That Mr. Maxwell's house is as far from Green's as his. The witness never had any dealings with Green.

Here the petitioners closed their evidence with respect to the transactions of the 29th of June.

The entry of the corporation book of the 9th of August, 1782, purporting to be an entry
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of the corporation, was offered to be read, and objected to by the Counsel for the sitting members as not being a corporate act, and the Committee came to the following Resolution, viz.

“ Resolved unanimously, that the persons
“ claiming to have been elected freemen on the
“ 29th day of June, 1782, had not a right to
“ vote at the last election for Members to repre-
“ sent the borough of Dundalk in the present
“ Parliament.”

It was then admitted on both sides, that the majority of old votes made previous to the 29th of June, 1782, is with the sitting members, and if they only were competent to vote, the sitting members are duly elected; but that if the voters made after the 29th day of June, 1782, are good, then the majority is with the petitioners, and in that case they are duly elected.*

* Here the clause in the charter was proved and read, relative to the removal of bailiff.

Mr. John M^cCartney was then produced to prove the amotion of Mr. Read, Bailiff, on the first of August, 1782. He (the witness) was in Dundalk on the first of August, 1782, and attended a meeting of the burgeses and commonalty on that day, to try whether Mr. Thomas Read should not be removed from his office of bailiff. The number of burgeses that attended that meeting were nine, besides Mr. Thomas and Mr. Isaac Read. There were also five of the old freemen that attended, and signed the proceedings of that day. John Moore was conceived to be a good freeman, but on examining the books his name was found not to be inserted. Of the
freemen

freemen that attended that day, were George Murphy, Stephen Page, Samuel Page, Montgomery Sleater, Myrick Manypenny, but did not recollect the names of any others. He had read a list of the freemen of Dundalk, signed with the initials of Mr. Thomas Read, in which he acknowledged that on the 21st of January, 1782, when he was bailiff, there were 16 burgeses, and 109 freemen; but out of these freemen were Mr. Jocelyn, then a burges, but who was not a sworn burges at that time. Mr. Read acknowledged on the 21st of January, 1782, that the initials, T. R. signed to a list of the burgeses and freemen, was his hand-writing; but denied afterwards that the body was written by him. Mr. Read was applied to for the corporation books prior to 1760; he said he had them not. By comparing the list signed T. R. with the corporation books from the year 1760, they partly agreed. A great number of burgeses and freemen do not reside in the borough. He believed two-thirds of the old freemen did not reside in the borough. A notice was prepared to be served on Mr. Thomas Read to answer the charges against him, which notice he (the witness) saw delivered to be served; notices also were served on every burges and freeman then resident in the corporation, to attend the meeting of the first of August; they were signed by Alborough Wrightson, who was then town-clerk. Notices were delivered to Mr. Ford and James Gray in order to be served, and special directions

directions were given with respect to the service of certain persons in the borough, viz. Isaac Read, Zach. Maxwell, Stephen Page, Samuel Page, and Montgomery Sleater, and independent of these special notices, notices directed to the burgeses and freemen generally were posted on certain parts of the borough. They were posted on the 30th, and he (the witness) was positive as to that fact. Besides the posted notices, the corporation bell rung through the corporation rather more than an hour. Mr. Thomas Read attended that meeting, and was attended by his counsel and agent. Lord Clermont presided as senior burges of the corporation. The assembly proceeded to the business mentioned in the notice;—the accusation was read;—Mr. Read entered into his defence. Dr. Francis Hamilton moved a resolution, purporting that the charges against Mr. Thomas Read were fully proved. The question was then put on the motion of Mr. Read, and carried; no person voted against it. Mr. Read's friends being applied to, to sign the proceedings, they refused. The first proceedings were electing the president. James Gray and Mr. Ford, upon oath proved the service of the notices on Mr. Read, the burgeses, and freemen. An objection was made on the part of Mr. Read, that all the freemen were not served with summonses. The corporation answered, they did not consider the thirty-two persons who claimed to be admitted on the 29th of June, as freemen; upon which

which the objection was over-ruled. Mr. Maney-penny did not vote for the removal of Mr. Read. There were some of the old freemen who left the Court without polling against Mr. Read. Mr. Read never took any step to revoke his motion, that the witness knows of.

He was cross-examined.

The witness wrote the summonses in the house of Lord Clanbraffill;—he wrote part of it on the evening of the 29th of July;—part of the notice was wrote previous to the 28th of July in Lord Clanbraffill's house;—it had been signed by persons before it was finished. The notice was not prepared by the direction of Lord Clanbraffill; it was by the advice of the Attorney General. The witness did not consult every person previous to the preparing the paper for the motion of Mr. Read. Mr. Maxwell, and several others were not consulted, or had notice of the paper. He believed that if Mr. Maxwell and those others had been consulted, they would not have concurred. Believes he entered every proceeding that was material, but did think he entered every proceeding. After the proceedings had been gone through, he drew up the paper of motion. Mr. Read objected to the legality of the meeting. Mr. Read complained of the shortness of the time given for his defence, and objected to any person presiding there as bailiff but himself. The witness recollected in general Mr. Read requesting further time for his defence, but did not recollect Mr. Read's mentioning

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tioning any precise time. The reason the corporation refused further time to Mr. Read was, they thought him fully prepared. The witness did not make any entry of said request, not thinking it material. He (the witness) saw many persons sign the summonses in Lord Clanbrassill's dressing-room. Mr. Read admitted he made the entries in the corporation book on the 29th of June.

Mr. *James Ford* was produced for the sitting members, to prove the corporators were summoned for the first of August. He served summonses on the corporators, part on the 29th, and part on the 30th of July, 1782. Served Mr. Thomas Read on the evening of the 29th of July; he saw his servant, and desired him to tell his master the witness wanted him. The witness called out to Mr. Read—he had a summons for him to attend on the first of August, and he (the witness) thrust the summons through the door. The witness on the 29th of July, served John M'Cartney, John Lyons, Mathew Reily, the Rev. Dr. Hamilton, Michael Dally; he could not be particular as to serving any more on the 29th. On the 30th he served John Hamilton, William Cowell, Rev. Roger Black, James Morten, Rev. Francis Thuro, William Cummins, John Elpen, Thomas Brady, Edward Tipping, William Grills, Arthur Craven, Esq. Charles Craven, Alborough Wrightson, Lord Roden, Lord Clanbrassill, Hon. George Jocelyn, William Slade, Counsellor M'Cartney, Rev. Mr. Maffett,

Maffett, Thomas Crilly, William Steel, Robert Alexander Gray, David Johnston, John Surman, Humphry Stephenson, Humphry Stephenson jun. Hall Waring, Esq. George Atkinson, John Atkinson, Alexander Pittman, Henry Keevon, Richard Scarlet, James Bayly, Charles Lyfter, Thomas Wrightson, Mounseer Mercer, Arthur Buttee, and Arthur Steel. There was three notices posted on the 29th; he was by when they were posted. The bell rung to convene the meeting; the bell had rung a full hour, and the business did not begin till after twelve. Mr. Read attended the meeting with counsel and agents. Mr. Thomas Read demanded the poll of persons present. All the notices which were served on corporators were exactly the same. James Gray served some, and they were exactly alike. He desired Gray to be very particular in the service of certain persons, viz. Zachariah Maxwell, George Murphy, Stephen Page, Samuel Page, Montgomery Sleater, Isaac Reed, Esq. and John Lyons;—these he desired him to be particularly attentive to; the notices were signed by Alborough Wrightson. The charges were specified in the summons served on Mr. Thomas Read.

He was cross-examined.

He was agent to Lord Clanbrassill; he was so on the first of August, 1782, and before. He believed the return of the 29th of June to the Privy Council was rejected. He believed he saw a notice, signed Thomas Read, posted soon after-

wards, for a meeting to be held at the Sessions-house to elect a bailiff for the 29th of July. The Sessions-house was locked up afterwards by him. Lord Clanbrassill wrote to the Sheriff for leave to shut up the Sessions-house, which was granted to him. Mr. Read afterwards posted a notice for a meeting to be held at the Presbyterian Meeting-house. He saw the notice for the meeting at the Presbyterian Meeting-house a few days before the 29th July. At ten minutes after nine on Sunday morning the 28th July, he served a notice on Mr. Read, that the Sessions-house would be opened on Monday at the usual hour, and not to hold a meeting at the Presbyterian Meeting-house at his peril. Before he served the notice of Sunday, Read's notice had been up several days. He believed the notice was prepared at Lord Clanbrassill's house. He could not say it was a corporate meeting.—[It was here admitted by the sitting members' Counsel that it was not a corporate meeting.]—He believed to a man the non-residents of Dundalk waited to attend the meeting of the first of August; he believed most of the non-residents attended to oblige Lord Clanbrassill. Mr. Read attended the Meeting-house a little after nine, pursuant to his notice. Lord Clanbrassill and a great number of his friends took the oaths before Mr. Read on that day. The major part of the freemen then present made a demand of Mr. Read to elect a bailiff pursuant to the notice he had posted, which he peremptorily refused, and gave

as a reason for refusing, that in consequence of the notice he had received from Lord Clanbrassill to re-elect a bailiff, he desired some time to consider thereof, and to have the opinion of Counsel thereupon. The freemen said they would waive the notice given him the day before, and they desired him to proceed to the election of a bailiff. The witness could not say positively, but believed four-fifths of the meeting said they would waive notice, and called out for the election of bailiff. He believed Mr. Read requested time to consider the request of the freemen. He served the summonses, specifying the charges against Mr. Read, on him at six o'clock. After the meeting of the freemen, the corporators repaired to Lord Clanbrassill's house, and most of them signed the paper of charges; one or two of them might not have signed it;—the witness compared the paper. There was no bell rung, or notice posted of the meeting at Lord Clanbrassill's. About eleven o'clock they went to Lord Clanbrassill's house to prepare the paper; he believed the paper was not sent in to the town-clerk to be signed. Mr. Mr. Maxwell was not present, nor sent for to attend that meeting. George Murphy, Mr. Thomas or Isaac Read, was not sent for. He believed Mr. Thomas Read was not called upon to answer for his conduct before the paper was prepared; he believed that Mr. Read knew that a paper was preparing against him, as he (Mr. Read) gave directions to his servant not to receive

ceive any summonses. The notices that were signed and posted were all signed by Mr. A. Wrightson. The gentlemen present who signed the paper of charges, thought Mr. Wrightson the properest person to sign the notice, and they desired him to do it. The witness was there at the beginning of the meeting of the first of August, and Mr. Read objected generally to the legality of the meeting, and complained that he had not a sufficient notice to make his defence. Until the day before yesterday, he (the witness) did not hear that Mr. Read had desired further time to prepare for his defence; he believed it is probable that the judgment of a motion of Mr. Read was prepared before they went to Court. The freemen went to Lord Clanbrassill's from the Meeting-house much exasperated. They determined to remove Mr. Read unless he shewed just cause to the contrary. The Sessions-house was opened at nine o'clock on the 29th of July, and Mr. Read was informed that there was no objection to the meeting in the Meeting-house, but the place. Lord Clanbrassill heard of unlawful meetings at the Sessions, and that several depredations had been committed there, and for that reason had the Sessions-house shut.

Counsellor Ross was produced to prove the proceedings of the first of August. Counsellor Ross was asked if he had ever been in this Committee-room during the examination of any evidence, and having answered he was not, he was then examined. He was a freeman of Dundalk; was

was in Court at the time Mr. Read was tried for misdemeanors, and removed from his office. He recollected Mr. Thomas Read being there, and saw him attended by Counsellor Blackburne and his agent; he considered Mr. Read, and his counsel and agent, as making a defence; but cannot recollect whether they cross-examined any witness or not. He remembered a question being put as to the dismissal of Mr. Read, and that the Chairman had declared him put out of his office. Mr. Read demanded a poll, and the freemen were asked separately as to their opinion of the evidence laid before them. Mr. Read objected to Mr. Bayly's signing against him. The witness remembered to be detained until the agent was drawing up the judgment, and seemed vexed that he should be detained so long; thought it should be prepared before Court began. It was an agent that drew it up.

He was cross-examined.

He believed Mr. Read objected to the legality of the meeting. He thought Mr. Read might complain of the shortness of the time, but could not be positive. Part of the charter was read to shew the power of assembling to remove bailiff, and witnesses were examined relative to the proceedings of Mr. Read on the 29th of June. Mr. Read did not produce a single witness on his behalf at that meeting. It is very likely Mr. Read desired that his objections might appear on the proceedings of that day; but he thought the objections were very immaterial;—he did not remember

remember that any person voted for Mr. Read. He recollected that Mr. Read's friends protested against the proceedings of the meeting.

James Gray, to prove the service of notice, sworn. On the 29th of July he received summonses to serve;—he served them on the 30th. Mr. Ford desired him to be very particular of the service of several persons;—he served Mr. Mercer Murphy, Sleater, Mr. Read, Mr. Samuel Page, Mr. Maxwell, Moratz Green, Elgee, Baily, Moraty Pittman,—Marks, John and Richard,—J. Sleater, Row, Dixon, James Dennis, Mc. Elves, Johnson, Hor, Iver, Thomas Lyfter, Gyles, Stephen Page, and John Walfh.

He was cross-examined.

The name of Zach. Maxwell in the list produced, is his hand-writing. He served Mr. Pittman personally in his own house, in his dining-room, about twelve o'clock the 30th July; he handed him the paper; he read it over, and said it was very well. He served Mr. Maxwell's son and his clerk; they read it over, and laughed very heartily; (Mr. Maxwell's clerk's name is Martin); the clerk was writing, the son was doing nothing; he believed it was his eldest son; he might be 20, or 21;—he did not recollect what they said to him; it was about one o'clock; he was a low lad, with fair hair, and about 20 or 21;—he asked for Mr. Maxwell, and was told he was not at home;—he believed it was him in the artillery company;—he was positive it was one of the two sons that are in the volunteers;—

volunteers ;—it was Mr. Maxwell's son took the paper. He served Miss Wynne with the notice for George Murphy, at Murphy's house. He (the witness) began to serve them at 10, and was done at six o'clock. He could not tell what hour of the day it was ; he told her it was a notice for Mr. Murphy, and desired it might be given to him as soon as he came in. He had not the original notice with him when he was serving the notices. It was Mr. Ford that desired him to go about with the notices. He served the butler of Mr. Isaac Read at Mr. Read's house ; he is a lusty man, about thirty years of age ; there were other servants in the service of Mr. Read, but the witness saw none of them but the butler. He was positive that he inserted no person's name in the list, but such as he served. Says Mr. Pittman was confined in gaol at the time he served him. Mr. Pittman has a house in Dundalk ;—he served Mr. Pittman in the dining-room in the gaol ; he opened the door of the gaol himself—there is no latch—it was lying ajar ; it was the door of the room where he dines in ; he had the use of the two rooms ; he did not go into any room before he went to Pittman ; no person was with him when he went in ; the gaol door frequently lies open ; he passed through no door but the outside door until he opened Pittman's. The witness could not form a belief whether Pittman could go out of the gaol without any person hindering him or not. Mr. Pittman was very infirm ; he

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thought

thought Mr. Pittman could not have made his escape without assistance;—there was a door-keeper, but the witness did not recollect seeing him at going into the gaol. He saw several persons on going to Pittman's apartments; he did not recollect their names; Mr. Pittman slept in the room;—he (the witness) had called before his dining-room;—he did not recollect what he said to Mr. Pittman; he went forward and gave him the summons, and Pittman said it was very well.—Ordered to withdraw.

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read.
Manda-
mus read.

Mr. *McCartney* proves the mandamus and return, November, 1782.—Mr. *Burston* observes that it was issued after the 29th September.—Mr. *McCartney* to shew that Mr. Read's was not out by fluxion of time.—It was admitted, that Lord Clanbrassill appointed William Pittman, Esq. his deputy.

Here the sitting Members closed their evidence with respect to the amoval of Mr. Read on the first of August, 1782.

Mr. *Thomas Johnston* was then produced to prove Mr. Read was not removed.

Mr. *McCartney* objects to Mr. Johnston, as an incompetent witness, he being one of the persons whose freedom was impeached.

Mr. *Burston* hoped the Committee would not exclude petitioners from examining Mr. Johnston, who was present at the meeting of the first of August.

The Committee-room was cleared, and when the Council were called in, the Chairman informed

Mr. *Charles Reilly* was then produced. He was an inhabitant of Dundalk. He was present at a meeting of the burgeses and freemen on the first of August, 1782. Lord Clermont was in the chair. Mr. Read objected to Lord Clermont's taking the chair, and to the whole of the proceedings, and desired to know by what authority that meeting was convened. Mr. Read was told, by a summons from Mr. Wrightson, the town-clerk. Mr. Read desired to examine Mr. Wrightson as to the legality of his exercising the office of town-clerk. He believed Mr. Wrightson was examined by Counsellor Blackburne, Counsel for Mr. Read, if he was ever elected pursuant to the charter. Mr. Read complained of the shortness of the time, and said the charges against him were various and complicated. He heard Mr. Read request some few days to prepare himself for his defence;—his request was rejected, as he best recollected. It was Lord Clermont, the chairman, that refused him. The witness did not recollect any question being put by the Chairman on the refusal of James Read. Mr. Read applied for less time (a day); but the witness was sure he (Mr. Read) was refused. Mr. Read attempted often to speak, but was as often interrupted by Mr. M^cCartney;

upon which Mr. Read jumped on the table, and said he was the head of the corporation, and would be heard; but the gentlemen did not seem inclined to hear him. There was some dispute to hear him, but in general the meeting was against it. Mr. Read objected repeatedly to the whole of the proceedings, and desired they might be taken down. He (the witness) saw a person taking down the proceedings, and it was to him Mr. Read applied to have his objections taken down. He did not recollect the agent's answer. Mr. Read said he would not go into any defence, nor would he pay any regard to the proceedings of the assembly. He did not produce any witness to the Court. He did not recollect that Mr. Read said any thing to Lord Clermont at that time. Mr. Read was interrupted so often, and let to speak so little, that the witness did not recollect what it was. There was a question put as to the removal of Mr. Read, but Mr. Maxwell did not assent to the removal of Mr. Read. Some of the Pages, and others, refused to assent thereto. He heard the protestors say among themselves, that they deemed it an illegal meeting; but they did not say any thing of it to Lord Clermont.

He was cross-examined.

Mr. Stephen and Samuel Page did not assent to the proceedings;—the witness was very near them; he did not recollect whether Mr. Maxwell or the Pages were nearest. He was certain the Pages and Mr. Maxwell were in Court. He
heard

heard no person demand a poll. He believed there were one or more that voted against Mr. Read. He did not recollect whether Mr. Read cross-examined any evidence. The meeting was at about twelve o'clock. He was no freeman, but curiosity brought him there;—he was present at the opening of the Court; he believed every inhabitant knew of the meeting of the first of August; no freeman went with him to the Court, nor had he any conversation with any one about it. Knew Mr. Zachariah Maxwell well; he did not know what coat Mr. Maxwell had on, but believed it was his uniform; he could not recollect that he saw Mr. Maxwell out of Court that day; he believed he spoke to him in Court; but did not recollect that he heard any freeman object to the proceedings. There were charges exhibited against Mr. Read; one of them was for holding a Court on the 29th of June, at an unusual hour, and not by ring of bell. Other charges were also exhibited, to which Mr. Read said he would not go into any defence, as he held the whole proceedings to be illegal.

Patrick Reilly was next produced, on behalf of the petitioners. He lived in Dundalk. He was present at a meeting on the first of August, 1782; it was for the purpose of removing Mr. Read from his office of bailiff; he was there at the beginning, and took notes of the proceedings of that day. He had been with an attorney, and then did business in Dundalk as a
writing

writing clerk. The first business the Court proceeded on, was the calling Lord Clermont to the chair. Mr. Read objected to the proceedings as being illegal, and the chairman over-ruled the objection. Mr. Read then objected, that the charges were various and complicated, and desired a week's notice to prepare for his defence. He (Mr. Read) was not allowed the week. Mr. Read then asked for two days, and he was also refused. Mr. Read then asked the next day, and that also was refused. Mr. Read attempted to speak, but Mr. M'Cartney always interrupted him; upon which he (Mr. Read) jumped upon the table, and addressed the Chair, and said, "Am not I bailiff? I will be heard." The witnesses saw a clerk taking down the minutes. Mr. Alborough Wrightson attended as town-clerk; he was not certain that he had seen him (Mr. Wrightson) take down any thing. Mr. Read told Lord Clermont, that he would not make any defence, nor would he abide by the determination of that assembly. Mr. Read did not produce any evidence. He did not hear Mr. Read, or any person for him, ask the evidence on the other side any question.

He was cross-examined.

Mr. Blackburne attended as Counsel for Mr. Read, and asked the witness questions. The witness did not hear Mr. Read ask any question. Mr. Read spoke to the Chair several times; he mentioned Counsellor Shieff's having advised the posting of notices instead of ring of bell.

Mr.

Mr. Read hoped the Court would not take advantage of what he then said. He supposed Mr. Read said, that in his (Mr. Read's) own justification, Mr. Garret Byrne desired him to take notes. He believed Mr. G. Byrne was then agent for Mr. Read. When he (the witness) went to Court, he did not know he should have been employed to take notes; he did not consider that he should be ever called on to give evidence of that day's proceedings. Mr. Byrne took the notes from him, and he (the witness) got the notes from Mr. Byrne on the then last Monday. He read them yesterday, and the day before yesterday, and read part of them on that day. He had told all that was contained in the notes as far as he had been examined. There were witnesses examined on the first of August; Mr. Ford, Gray, and Mr. Wrightson and Mr. Mercer. He believed Mr. Wrightson was cross-examined by Mr. Blackburne, he supposed as Counsel for Mr. Read. He did not recollect Mr. Read to have examined any person. When the question was put on the removal of Mr. Read, the Court became very noisy; he believed that gentlemen were permitted to speak freely. Mr. Blackburne was heard without interruption as to the illegality of the meeting, and was answered by Counsellor M'Cartney. Mr. Read produced papers for his justification. The witness did not take minutes of the whole proceedings; he only took down the objections of Mr. Read. He took down nothing but what Mr. Blackburne

Blackburne and Mr. Byrne desired him. He believed the time Mr. Read leaped on the table, was before the witnesses were examined. He believed that witnesses were examined as to ring of bell. Lord Clermont put the question on the amoval of Mr. Read ; he took the poll against Mr. Read—but no person offered to poll for Mr. Read. The witness knew Manypenny well ;—says Mr. Manypenny was called upon by Lord Clermont for his vote, and he (Manypenny) begged to be excused. Mr. Read desired him to vote, and pledged his honour that he never would think of it. Lord Clermont opened the Court by putting the question on the amoval of Mr. Read ;—the question was put before the examination of witnesses. He (the witness) was not certain whether Gray was examined before the question was put or not. He did not put down in his notes that part of the proceedings. The first proceedings on the witness's going into Court, was a question put on the Chairman's taking the chair ;—Mr. Read objected to it, and it was over-ruled. Mr. Read then objected to Lord Clermont's swearing the witnesses. Lord Clermont put the question before the witnesses were examined. He believed the conversation between Read and Mr. Manypenny was near the conclusion of the proceedings. He believed the paper of accusation was written before it was brought into Court ; he thought Mr. M^cCartney pulled it out of his pocket. Mr. Wrightson served a notice on Mr. Read, and thought he attended

attended there to prove it. Immediately after Mr. Read objected to the illegality of the meeting;—he objected to the shortness of the time allowed him for making his defence.

It was proposed to offer Mr. Gerald Byrne, who was present during the whole of the proceedings of the first of August, for the petitioners; it would be objected on the part of the sitting members that he was an incompetent witness; but it could be proved that the objection to Johnston could not in any degree reach Mr. Byrne. For the sitting members this testimony was objected to. They offered to read an entry from the corporation book to prove Mr. Gerald Byrne to be an incompetent witness; and on the other hand the reading of the entry was objected to. The Committee-room was cleared, and when the Counsel were called in, the Chairman read to them, that it had been “Resolution read, That Mr. Garret Byrne, not having tendered his vote at the last election, he was not rendered an incompetent witness by being one of the new freemen.” But they had also “Resolved that it was the opinion of this Committee, that if the name of Gerald Byrne, signed to a paper of the 28th day of August, (then lying on the table) should be proved to the satisfaction of the Committee to be the hand-writing of Mr. Gerald Byrne, that he should not be admitted an evidence to the point then before the Committee.” Mr. Byrne admitting it to be his hand-writing was not examined.

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Here

Here the evidence on both sides was closed as to the proceedings on the first of August.

Gray was then called upon by the petitioners to point out which of the two Maxwells he had served with notice for the meeting of the first of August. He served Mr. John Maxwell for his father on the 30th July, 1782. Mr. Martin was present. He did not know Mr. Maxwell's son's christian name. Mr. John Maxwell was in the horse volunteers. He believed he served a summons at Mr. Maxwell's house some time before. He would not have been so particular as to the service of the notice of the 30th July, but that Mr. Ford had desired him to be so. He wrote the list of service eight days or a fortnight after.

He was cross-examined.

Says he wrote the list from a paper that was wrote with a pencil.

Mr. J. Maxwell was here produced to contradict Gray. He is the son of Mr. Zach. Maxwell. He recollected the first of August, 1782. He knew James Gray;—he was positive Mr. James Gray did not serve him with a notice on the 30th July, 1782, for his father required his attendance on the first of August. He was in the light horse;—he never was in the artillery company in Dundalk.

He was cross-examined.

He never heard of the meeting of the first of August, until after it was over. He did not attend that meeting. He (the witness) was not in town on the first of August;—

August ;—he was in town the two or three days before ;—he did not recollect whether his brothers were at that meeting ;—he did not recollect whether he was in town two days before the meeting. He had been at the meeting on the 29th of July, and took the oaths of a freeman. He did not hear that any person intended calling Mr. Read to account. He knew Gray, and did not see him leave any summons at his father's ; he never heard any of the family say that Gray left a summons for his father on the 30th of July. Never heard of the meeting of the first of August till the evening of the day before. He believed he might be at home on the 30th ; he could not be positive ;—he believed he was never a whole day out of his father's office if he were at home. He never heard until yesterday that he should be examined as a witness before the Committee. He was about five miles out of town on the first of August, at a farm of his father's. He never heard of any meeting to be held for the purpose of removing Mr. Read until it was over.

Mr. *Martin* attended on the Committee. He was sure Mr. Gray never gave him any summons. He could swear that he did not see Gray on that day. He could not recollect whether his father was at home on that day or not. It was impossible if Gray had given him a paper, but he should have read it, and given it to his father. He never recollected Gray giving him any notice in his life-time, nor did he recollect

any circumstance of his laughing on the 30th of July. He did not recollect seeing or reading any notice for the meeting of the first of August.

John Martin was produced to the same point. He lived in Dundalk;—lived on the 30th July, 1782, at Maxwell's sugar-house. He knew James Gray. He lived with Mr. Maxwell as his clerk on the 30th July, 1782. He heard that the meeting on the first of August, 1782, was for the purpose of removing Mr. Read. He (the witness) did not receive any summons from Gray on the 30th July. He did not remember seeing Gray for three days previous to the first of August. How could he be asked whether Mr. Maxwell laughed at receiving a paper from Gray, when he (the witness) did not see Gray that day. He knew Gray served a notice afterwards on Mr. Maxwell on the first of August, 1782;—Gray served the notice in Mr. Maxwell's office; Mr. Robert Maxwell and himself were present. Mr. Robert Maxwell is not a son of Mr. Zachariah Maxwell's. He was a volunteer in the First Belfast Company. He (the witness) read the notice; it was for the purpose of chairing a bailiff in the room of Read, who was turned out; he did not recollect any person's laughing at that time;—he could not be certain as to the day, but was positive it was between the 1st and 5th of August; it was signed by Lord Clermont, and several other freemen.

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He was cross-examined.

He recollected being in Dundalk two or three days previous to the 1st of August. He could not be positive as to his being in Dundalk on the 22th, 30th, and 31st of July. To the best of his belief he did not hear of the meeting until it was past. The disputes in the corporation were very generally taken notice of. He believed several persons came to the sugar-house on the 29th, 30th, and 31st of July. He did not recollect seeing Mr. Read, Mr. Page, or Mr. Murphy there. The friends of Mr. Read frequently called at Sea-town, but could not say positively whether they were there within three days previous to the 1st of August;—Mr. Maxwell was reckoned a friend to the party. The witness did not hear any person speak of the meeting not being to be held in the Sessions-house on the 1st of August. Did not, as he recollects, hear the bell ring on the first of August. Sea-town was in the corporation of Dundalk. He never heard that the bell was rung by Maxwell's house on the first of August. Mr. Henry Maxwell was not at home that day. He could not form a belief whether John was at home that day or not. Henry went to Belfast review with his mother. He heard there was a subscription opened on the part of the freemen. He never heard of being summoned until yesterday. He was clear that Gray never served any notice but one, which was dated between the 1st and 5th of August; he saw a copy of the notice since he came to town,

at Mr. Garret Byrne's; he did not remember the date until he saw it at Mr. Byrne's. He never saw a notice signed Alborough Wrightson until that day; he read the notice, but could not recollect the name; he read the name, but was positive it was not Mr. Maxwell's. His father and cousin took the custom of the corporation of Dundalk from Mr. Read;—the customs were set almost one half lower than what they were the preceding year. He supposed there was a summons intended to be served on Mr. Maxwell the same as Mr. Sleater. He did not know or believe such a notice was served on Mr. Maxwell. He was positive he did not see James Gray in Mr. Maxwell's office on the 30th of July. He heard that Mr. Read was at the meeting of the 1st of August; he could not say whether Mr. Maxwell was there or not, and could not say whether Mr. Maxwell was at home on the 30th of July. He had heard there was a subscription to support the corporation. It was likely if Mr. Read was served with notice, he would have told Mr. Maxwell. To the best of his knowledge he thought Mr. Maxwell did not know of the meeting of the 1st of August. Mr. Maxwell lay at home on the 30th. Very seldom any great events took place that an account of them was not immediately circulated through the corporation. He believed Mr. Read and Mr. Maxwell are subscribers to the subscription entered into by the freemen. He did not remember that Mr. Maxwell expressed any surprise at not being summoned.

James

James Gray was again examined. He could not recollect whether he told any person on the 30th of July that he served Mr. Maxwell. He served a great many more notices for the 5th than for the 1st of August. He did not make any list for the service of the 5th. He was desired to make a list of the persons served on the 30th of July by Mr. Ford, and to be very particular. He was not positive of the time he served the notice of the 5th;—Mr. Martin was present at the service of both notices. He sent down the order and manner they were served in.

Miss Margaret Wynne, produced to contradict *James Gray's* evidence. She recollected the 30th July;—she lived with Mr. George Murphy in Sea-town on the 30th July; he was her brother-in-law, and she took care of his domestic affairs. She recollected that there was a meeting of the corporation on the 1st of August; she never minded what the meeting was for. She knew *James Gray*; he did not deliver any notice in writing to her two or three days before the 1st of August, 1782. He never in the course of her life delivered any paper to her.

She was cross-examined.

She lived as house-keeper in the months of July and August with George Murphy;—she never heard Mr. Murphy say any thing of the meeting of the 29th of June; she never heard any thing that happened at the meeting of the 29th of June. She believed Sea-town is not within the corporation. Mr. Murphy did not live

live in Dundalk; he lived in Sea-town. She never heard Mr. Murphy say any thing that happened on the 29th of June, 29th July, or 1st of August. She never heard that Murphy was a subscriber to support the petition;—she did not know whether Mr. Page was a subscriber. She could not tell whether Murphy or Page took any part in the contest about new freemen;—she never heard that there was any contest in Dundalk at all. She cannot tell whether Murphy was at the meeting on the 1st of August. She heard about a fortnight past that she was to be examined before the Committee; she was told by Mr. Byrne; she was told it was relative to a summons served on her by James Gray. She came to town about eight days ago. George Murphy had a daughter at home on the 30th of July, about six or seven years old.

James Gray was produced to confront Miss Wynne. She did not recollect ever receiving any paper whatsoever from James Gray; she never saw him in Murphy's house; she never recollected seeing Gray when Mr. Murphy was wrangling with some tradesmen about bills. She knew James Gray by sight very well; she never had any conversation with him.

Mr. Martin Brown was produced to the same point as Miss Wynne. He lived with Mr. Thomas Read in the months of July and August, 1782; he was butler to him. He knew James Gray the town-serjeant. He remembered the meeting of the 1st of August, 1782, for the purpose

purpose of removing Mr. Read. James Gray did not give him (the witness) any notice for Mr. Read in the two or three days before the 1st of August. There were two servants in livery in Mr. Read's house at that time; one was a low set man, and the other was tall and slender. Gray never served him with any notice whilst he lived with Mr. Read, or in his life-time. He (the witness) was the only servant that acted as butler and received messages; he always brought them to his master. He knew the town and inhabitants of Dundalk. Sleater lived about the middle of the Main-street of Dundalk, on the left-hand side going from Dublin. He knew Bayly's house; it was nearer to Mr. Mercer's than to Sleater's. He knew Green; he lived at the end near Dublin; he lived nearer Mr. Mercer's than Sleater's. Mr. Murphy lived nearer Sleater's than Maxwell's; Murphy's house was between Maxwell's and Sleater's.

He was cross-examined.

He was butler to Mr. Read. The two Reads lived in the same house. He lived at present with Mr. Read; he was in Dundalk on the 30th July, and did not open the door for Gray. He did not recollect opening the door for Mr. Ford. He positively believes that Mr. Thomas Read was not served with any summons on the 29th of July by Mr. Ford. He did not recollect whether Mr. Read dined at home on that day. He lived with Mr. Bellingham before he went to Mr. Read, to the best of his knowledge. He did

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not

not recollect opening the door for Mr. Ford. He could not recollect whether Mr. Spencer dined with Mr. Read on the 29th of July. The witness came to live with Mr. Read in July, 1782, and had lived with him constantly since that time. If a servant were in the hall when a rap came to the door, he would call the witness before he would open it himself.

James Gray was again examined. He was positive that Brown was not the person who he served with notice.

Brown went to live with Mr. Read in the beginning of July; Heffernan, the former butler, left it a fortnight before.

Gray was again called. He served John Heffernan; he gave him the notices, and Heffernan threw them on the ground; Gray took them up and threw them into the buffet.

He *Brown* heard that Mr. Read attended the meeting on the 1st of August, and believed he did. He believed Mr. Thomas Read was served with summons to attend the meeting on the 1st of August; he had heard it mentioned since that he was summoned, and had heard his master and friends say about a week ago in Dublin, that he was summoned. He did not hear whether Mr. Isaac Read was summoned or no. He believed Mr. Read was summoned out of the house. He is sure Mr. John Heffernan was not in Read's house on the 30th July. Read often attended meetings without getting any notice. It was impossible for Heffernan to have been

in Mr. Read's house on the 29th or 30th of July without his (the witness's) seeing him. He only saw him (Heffernan) once in Read's house since he left him, and that was about six months ago. He believed Mr. Read was summoned to attend a meeting on the 1st of August, for the purpose of removing him. He heard on the 29th of July, that there was to be a meeting on the 1st of August.—He had only served two years in Ireland as a servant, and had no discharge from any person he lived with. He could not say whether Mr. Read heard of the meeting on the 1st of August or not. He was not certain when he saw Heffernan. He was acquainted with a footman of Lord Jocelyn's.

Gray again examined. He served in the army in the regiment of Carbineers. Knew Major Sandford is very well satisfied that the Committee should apply to him for a character. He is about twenty years out of the regiment. One Gray recommended him to Mr. Read to be town-serjeant. He had served in the volunteer company for two years, of Dundalk; and did not know Mr. Henry Maxwell's christian name.

Mr. Henry Maxwell sworn to prove that Gray knew, and often called him by his christian name. His name is Henry Maxwell; has served in the volunteer artillery company in Dundalk, and Gray was in it at the same time; served together for two years. He recollected perfectly well Gray's calling him by his christian name; he always addressed him by the name of Mr.

Henry. It is about a year and an half since he left the corps. He was certain Mr. Gray knew his name.

He was cross-examined.

He could not recollect his calling him by any name on parade, but did elsewhere;—he called him on the parade, Lieutenant. He did not vote at the last election for Dundalk; he tendered his vote; the objection was—he was not of age; he said he was of age, purposely to have a right to vote. He knew Gray in the volunteer corps about two years; he never knew him to misbehave; he never knew, until lately, of his misbehaviour, which was shooting a pigeon. He (the witness) was sworn in at the Meeting-house and at the Sessions-house. He was then eighteen years of age. He could not say that Gray was ever given to drink. When he shot pigeons it was in the execution of his office. He never had any reason to doubt Gray's oath before the meeting of the Committee.

Patrick Fitzgerald was produced to impeach the evidence of *Martin Brown*. He knew *Martin Brown*; he was in *Raven'sdale*. He saw *Brown* in *Dundalk* in the month of *October* last; he was in *Mr. Read's* service then; he said he meant to leave *Mr. Read* as soon as his twelve months were up. He saw *Brown* in *Dublin* about a week ago. It was in *September* he had a conversation with *Brown* relative to his leaving *Read's*, and saw him early in *October*. He saw him again about ten or twelve days ago in
Dublin,

Dublin, and Brown told him then he had left Mr. Read's service, and had his discharge, but that he was still in his service, and received a shilling a day from him. He saw Brown in the Lobby of the House of Commons, but had no conversation with him about the business he was going to be produced about.

William Wolley produced to the character of James Gray. He knew James Gray, and lived in one tent with him two years. Gray bore as good a character as any private in the regiment; he had seen him but once or twice since he came from Germany; he believed his testimony might be believed in any Court whatsoever.

He was cross-examined.

He had not seen him since the disputes happened in Dundalk.

Joseph Moretz, to the same point. He knew Gray these eight years; he knows no character of him but that he was an honest industrious man. Believed his oath might be credited in any Court of Justice.

Here the whole of the Case was closed, and after some deliberation, the Counsel were called in, and the Chairman informed them, that it was resolved, nem. con. "That it was the
" opinion of the Committee, that Thomas
" Read was duly amoved from the office of
" Bailiff of the Corporation of Dundalk on the
" 1st of August, 1782."

" Resolved,

Resolved, That it was the opinion of the Committee, that the Hon. Robert Jocelyn, commonly called Lord Viscount Jocelyn, was duly elected a Burgess to serve in this present Parliament for the Borough of Dundalk."

Resolved, That it is the opinion of this Committee, that the Hon. Robert Jocelyn, commonly called Lord Viscount Jocelyn, was duly returned a Burgess to serve in this present Parliament for the Borough of Dundalk."

Resolved, That it appears to this Committee, that the Hon. George Jocelyn was duly elected a Burgess to serve in this present Parliament for the Borough of Dundalk."

Resolved, That the Hon. George Jocelyn was duly returned a Burgess to serve in this present Parliament for the Borough of Dundalk."

Ordered to report to the House.—And accordingly the Chairman did report to the House, and the determination was ordered to be entered in the Journals of the House.*

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